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COMPLIANCE WITH THE CONVENTION ON THE CHAMIZAL

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON INTER-AMERICAN AFFAIRS

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH CONGRESS

SECOND SESSION

ON

S. 2394

A BILL TO FACILITATE COMPLIANCE WITH THE CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES, SIGNED AUGUST 29, 1963, AND FOR OTHER PURPOSES

FEBRUARY 26 AND 27, 1964

Printed for the use of the Committee on Foreign Affairs

U.S. GOVERNMENT PRINTING OFFICE

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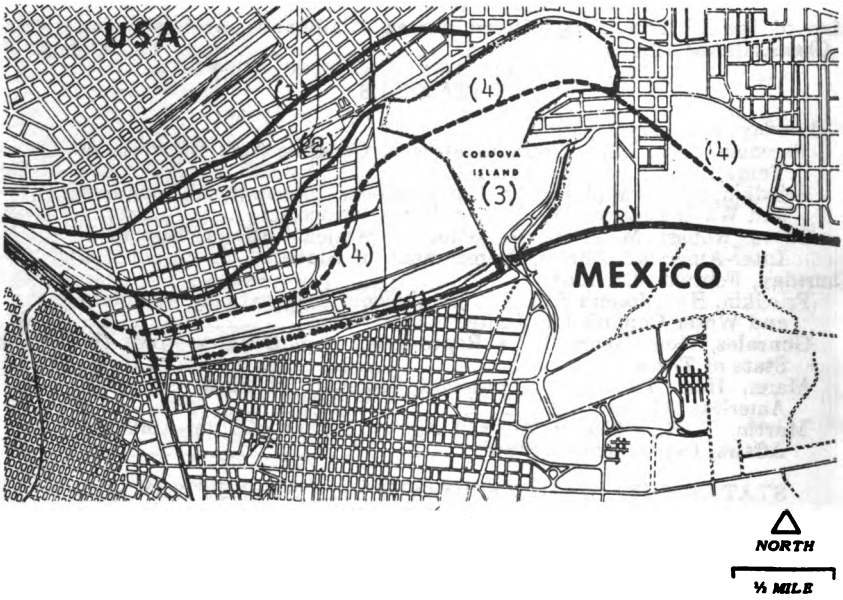

RIVER CHANNELS

(1) 1827 River Channel

(2) 1852 River Channel

(3) Present Boundary

(4) New River Channel, under Convention.

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COMPLIANCE WITH THE CONVENTION ON THE CHAMIZAL

WEDNESDAY, FEBRUARY 26, 1964

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON INTER-AMERICAN AFFAIRS,
Washington, D.C.

The Subcommittee on Inter-American Affairs met, pursuant to notice, at 10:05 a.m., in room H-322, the Capitol, Hon. Armistead I. Selden, Jr. (chairman of the subcommittee), presiding.

Mr. SELDEN. The meeting will come to order, please.

The subcommittee has before it today S. 2394, a bill to facilitate compliance with the convention between the United States of America and the United Mexican States, signed August 29, 1963, and for other purposes.

(The text of S. 2394 is as follows:)

[S. 2394, 88th Cong., 2d sess.]

AN ACT To facilitate compliance with the convention between the United States of America and the United Mexican States, signed August 29, 1963, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "American-Mexican Chamizal Convention Act of 1964."

In connection with the convention between the United States of America and the United Mexican States for the solution of the problem of the Chamizal, signed August 29, 1963, the Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is authorized—

a. to conduct technical and other investigations relating to: the demarcation or monumentation of the boundary between the United States and Mexico; flood control; water resources; sanitation and prevention of pollution; channel relocation, improvement, and stabilization; and other matters related to the new river channel.

b. to acquire by donation, purchase, or condemnation, all lands required—

(1) for transfer to Mexico as provided in said convention;

(2) for construction of that portion of the new river channel and the adjoining levee in the territory of the United States;

(3) for relocation of highways, roadways, railroads, telegraph, telephone, electric transmission lines, bridges, related facilities, and any publicly owned structure or facility, the relocation of which, in the judgment of the said Commissioner, is necessitated by the project.

c. For the purpose of effecting said relocations—

(1) to perform any or all work involved in said relocations;

(2) to enter into contracts with the owners of properties to be relocated whereby they undertake to acquire any or all properties

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needed for said relocations, or undertake to perform any or all work involved in said relocations;

(3) to convey or exchange properties acquired or improved by the United States under this Act or under said convention, with or without improvements, or to grant term or perpetual easements therein or thereover.

SEC. 2. The United States Commissioner is authorized to construct, operate, and maintain all works provided for in said convention and this Act, and to turn over the operation and maintenance of any of such works to any Federal agency, or any State, county, municipality, district, or other political subdivision within which such project or works may be in whole or in part situated, upon such terms, conditions, and requirements as the Commissioner may deem appropriate.

SEC. 3. The United States Commissioner, under regulations approved by the Secretary of State, and upon application of the owners and tenants of land to be acquired by the United States to fulfill and accomplish the purposes of said convention, and to the extent administratively determined by the Commissioner to be fair and reasonable, is authorized to—

a. Reimburse the owners and tenants for expenses and other losses and damages incurred by them in the process and as a direct result of such moving of themselves, their families, and their possessions as is occasioned by said acquisition: *Provided*, That the total of such reimbursement to the owners and tenants of any parcel of land shall in no event exceed 25 per centum of its fair value, as determined by the Commissioner. No payment under this subsection shall be made unless application therefor is supported by an itemized and certified statement of the expenses, losses, and damages incurred.

b. Compensate the said owners and tenants for identifiable, reasonable, and satisfactorily proved costs and losses to owners and tenants over and above those reimbursed under the foregoing subsection in the categories hereinafter provided, and for which purpose there shall be established by the Commissioner a board of examiners, consisting of such personnel employed and compensation fixed as he deems advisable, without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended. Said board may hold hearings and shall examine submitted evidence and make determinations, subject to the Commissioner's approval, regarding all claims in said categories as follows:

(1) For properties—

(a) For nonconforming abodes and minimum forms of shelter for which there are no comparable properties on the market in the city of El Paso and concerning which fair market value would be inadequate to find minimum housing of equal utility, compensation to the owner up to an amount which when added to the market value allowed for his property, including land values, would enable purchase of minimum habitable housing of similar utility in another residential section of said city.

(b) For commercial properties for which there are no comparable properties on the market in or near El Paso, Texas, compensation to the owner up to an amount which, when added to the total fair market value, including the land value, would compensate the owner for the "value in use" of the real estate to him. Such "value in use" is to be determined on the basis of replacement cost less deterioration and obsolescence in existing real estate and taking into consideration factors bearing upon an income attributable to the real estate.

(2) For loss in business:

(a) Loss of profits directly resulting from relocation, limited to the period between termination of business in the old location and commencement of business in the new, such period not to exceed thirty days.

(b) Loss to owner resulting from inability to rent to others housing or commercial space that can be reasonably related to uncertainties arising out of the pending acquisition of the owner's property by the United States, such losses limited to those incurred after July 18, 1963, and prior to the making by the United States of a firm offer to purchase.

(3) For penalty costs to property owners for prepayment of mortgages incident to acquisition of the properties by the United States.

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SEC. 4. Application for reimbursement or compensation under section 3 of this Act shall be submitted to the Commissioner within either one year from the date of acquisition or the date of vacating the premises by the applicant, whichever date is later. Applications not submitted within said period shall be forever barred.

SEC. 5. The Commissioner, in rendering an award in favor of any claimant under section 3 of this Act, may, as part of such award, determine and allow reasonable attorneys' fees which shall not exceed 10 per centum of the amount awarded, to be paid out of but not in addition to the amount of award, to the attorneys representing the claimant. Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed by the terms of this section, if award be made, shall be fined not more than $2,000 or imprisoned not more than one year, or both.

SEC. 6. Payments to be made as herein provided shall be in addition to, but not in duplication of, any payments that may otherwise be authorized by law. The means employed to acquire the property, whether by condemnation or otherwise shall not affect eligibility for reimbursement or compensation under this Act. Nothing contained in this Act shall be construed as creating any legal right or cause of action against the United States or as precluding the exercise by the Government of the right of eminent domain or any other right or power that it may have under this or any other law; nor shall this Act be construed as precluding an owner or tenant from asserting any rights he may have under other laws or the Constitution of the United States.

SEC. 7. No amount received as an award under subsection a. and subsections b. (1) and (3) of section 3 of this Act shall be included in gross income for purposes of chapter 1 of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.). However, amounts received under subsection b.(1) shall be included in gross income to the extent that such amounts are not used within one year of the receipt thereof to purchase replacement housing or facilities.

SEC. 8. As used in this Act, the term "land" shall include interests in land, and the term "fair value" shall mean fair value of the interest acquired. The provisions of this Act shall be exempt from the operations of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), as amended (5 U.S.C. 1001–1011).

SEC. 9. There are authorized to be appropriated to the Department of State for the use of the United States section of said Commission not to exceed $44,900,000 to carry out the provisions of said convention and this Act and for transfer to other Federal agencies to accomplish by them or other proper agency relocation of their facilities necessitated by the project. Of the appropriations authorized by this section, not to exceed $4,200,000 may be used to carry out the provisions of section 3 of this Act. The provisions of section 103 of the American-Mexican Treaty Act of 1950 (22 U.S.C. 277d–3) are hereby expressly extended to apply to the carrying out of the provisions of said convention and this Act.

Passed the Senate February 7, 1964.

Attest: FELTON M. JOHNSTON, *Secretary.*

Mr. SELDEN. Our witness this morning is the Honorable Joseph F. Friedkin, U.S. Commissioner, International Boundary and Water Commission, United States-Mexico. He is accompanied by a number of his advisers and staff and their names and positions will be entered in the record.

Mr. Friedkin, we are happy to have you this morning and we would like you to proceed.

STATEMENT OF HON. JOSEPH F. FRIEDKIN, U.S. COMMISSIONER, INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES-MEXICO

Mr. FRIEDKIN. I appreciate this opportunity, Mr. Chairman, to appear before you in support of S. 2394. This bill, as you know, was

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approved by the Senate on February 7, 1964. I have a formal statement, Mr. Chairman. I am also prepared to summarize it orally——

Mr. SELDEN. Would you like this to be entered in the record?

Mr. FRIEDKIN. Yes, sir.

Mr. SELDEN. Without objection, Mr. Friedkin's formal statement will be entered in the record and he will summarize his statement before the committee and will be prepared to answer any questions the committee members may wish to ask.

(The statement referred to is as follows:)

STATEMENT OF JOSEPH F. FRIEDKIN, U.S. COMMISSIONER, INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES-MEXICO

Mr. Chairman and members of the committee, the proposed American-Mexican Chamizal Convention Act of 1964 (S. 2394), approved by the Senate on February 7, 1964, is needed to carry out the convention between the United States of America and the United Mexican States for the solution of the "Chamizal dispute," signed August 29, 1963. The Senate of the United States of America gave its advice and consent to ratification on December 17, 1963. The convention was ratified by the President of the United States on December 20, 1963. It was ratified by Mexico on January 7, 1964; and ratifications were exchanged in Mexico City on January 14, 1964.

THE CHAMIZAL CONVENTION

The convention is to settle the longstanding dispute over the Chamizal zone in the El Paso-Ciudad Juarez section of the United States-Mexican border. The Senate bill (S. 2394) before you, would, if approved, enable the Secretary of State, acting through the U.S. Commissioner, International Boundary and Water Commission, to effect U.S. compliance with the convention.

The preamble of the convention notes the desire of the two countries to arrive at a complete solution to the Chamizal problem and to give effect to the 1911 arbitration award in today's circumstances, and in keeping with the June 30, 1962, joint communique of Presidents Kennedy and Lopez Mateos.

Article 1 provides that in the El Paso-Juarez sector the Rio Grande shall be relocated in a new channel in accordance with an engineering plan recommended by the International Boundary and Water Commission, United States and Mexico, attached to and forming a part of the convention.

Article 2 states that this alinement shall transfer from the United States to the Mexican side of the river 823.50 acres. There would be a net transfer to Mexico of 437.18 acres representing the acreage now accepted by both Governments as that awarded to Mexico in 1911.

Article 3 establishes the centerline of the new river channel as the international boundary, each Government thereby renouncing any claim to territory on the opposite side of the relocated channel.

Article 4 provides that the lands transferred from one jurisdiction to another shall be free of any private titles or encumbrances, and recognizes that no payments are being made by one government to the other for any of the lands transferred.

Article 5 provides, however, that the Federal Government of the United States shall receive payment for the estimated value to Mexico of the structures passing intact to Mexico from a specified Mexican banking institution. This payment is to be made before the lands are transferred to Mexico, and the two Governments have agreed by an exchange of notes to accept $4,676,000 as the value to Mexico of these structures.

Article 6 requires the two Governments, after the convention has entered into force and the necessary legislation has been enacted for carrying it out, to determine, on the basis of a recommendation by the International Boundary and Water Commission, the period of time appropriate for the Government of the United States to acquire the properties to be transferred to Mexico and needed for relocation of the river, and for the orderly evacuation of the occupants from those properties.

Article 7 provides that when acquisition of the lands has been accomplished and the occupants evacuated, and when the Mexican bank, Banco Nacional Hipotecario Urbano y de Obras Publicas, S.A., has paid the United States for

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the structures passing intact to Mexico, the Commission will proceed to demarcate the new international boundary, the demarcation to be recorded in a minute. The relocation of the international boundary shall take place when this minute is approved by the Department of State and the Mexican Ministry of Foreign Relations.

Article 8 obligates the two governments to share equally the costs of constructing the new river channel, except that each government must bear the costs of the structures or improvements which, in relocating the river channel, must be destroyed on the territory under its jurisdiction prior to relocation of the boundary. The equal division is based on the assumption that the two countries benefit equally from the maintenance of the river as the boundary.

Article 9 assigns to the International Boundary and Water Commission responsibility for relocating the river, constructing the new bridges across it that would be required to replace existing bridges, and the maintenance and improvement of the river channel from the point where the new channel would begin on the east to the point where the river meets the land boundary on the west.

Article 10 provides for replacement of the six existing bridges, and obligates each government to share equally in the cost of the new bridges as in the cost of the new channel they will cross.

Article 11 provides that the relocation of the boundary shall not affect in any way the citizenship status of present or former residents of the areas being transferred from one country to the other, jurisdiction over legal proceedings pending at the time of transfer or earlier decided, jurisdiction over acts or omissions have to do with these areas prior to their transfer, or the law or laws applicable to these acts or omissions.

By article 12 the convention shall enter into force upon the exchange of the instruments of ratification at Mexico City.

THE PROPOSED LEGISLATION

I should like now to review the features of S. 2394 and to submit specific data and reasons in its support for your consideration:

Section 1 authorizes the Secretary of State acting through the U.S. Commissioner, International Boundary and Water Commission—

(*a*) To conduct the technical and other investigations relating to demarcation of the boundary; flood control; water resources; sanitation and prevention of pollution; channel relocation, and other matters related to the new river channel;

(*b*) To acquire all lands necessary therefor, by donation, purchase, or condemnation; and

(*c*) To perform the work involved in the relocation of railroads, schools, new port-of-entry facilities; to enter into contracts with property owners for the acquisition of properties or performance of works; and to transfer or exchange properties acquired or improved by the United States.

The investigations will comprise principally surveys to demarcate precisely the boundary, and engineering planning, design studies, and preparation of specifications for the new channel and bridges. All of this, and relocation of the river will be accomplished jointly with the Mexican Section of the Commission.

The U.S. properties to be acquired to carry out the convention comprise the net 437.18 acres to be transferred to Mexico plus 193.16 acres to be exchanged for an equal area from Mexico, making a total of 630.34 acres to pass to Mexico, plus about 140 acres needed for rights-of-way for that portion of the new river channel and adjoining levee in the territory of the United States; and for relocation of communication facilities and public works in the area, including Federal port-of-entry inspection facilities, making an overall total of 770 acres to be acquired.

Agricultural lands, stockyards, and vacant lands make up about one-third of the total area. About 4,500 people reside in the affected area. There are about 843 improvements of various types, railroad trackage, utilities, and Government border inspection facilities in this area.

Included in the improvements are about 500 family dwellings, mostly of 4 to 6 rooms, of modest construction and having market values ranging for the most part between $6,000 and $10,000 with a few as high as $12,000. In addition there are 90 "shelters," generally of 2 to 3 rooms which are substandard dwellings of poor construction and without sanitary plumbing facilities. There are

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also 21 tenement (low-cost apartment) buildings, containing 301 1-to-3-room units.

Within the area to be acquired are 130 commercial properties. These include 37 large buildings among which are a major meatpacking establishment, the main customs and immigration inspection building leased from private owners, large supply warehouses, chemical plants, and other commercial and industrial establishments. About 8.9 miles of railroad tracks are situated in the affected area and will have to be relocated.

Further, there will have to be acquired, and reimbursement or replacement made for, El Paso City properties consisting of a modern grammar school, a portion of the grounds of a high school, a portion of the lands of the city's main sewage treatment plant, garbage disposal facilities, and utilities in the affected area. There will have to be replaced several Federal buildings, and about one-half mile of a Federal irrigation canal.

The convention provides that a Mexican bank will pay the United States the sum of $4.7 million for the value of the improvements passing intact on the lands transferred to Mexico.

Relocation of the river pursuant to the convention will involve the construction of a new channel 4.3 miles in length, which will be concrete lined to minimize right-of-way requirements, provide an efficient waterway, and firmly fix the international boundary line. The construction of new bridges to replace the six existing bridges over the river will involve relocation costs. The convention provides that this work be performed jointly with Mexico with the costs shared equally between the two Governments.

In connection with relocation of the railroads, the school properties, and other public facilities, the bill would authorize the U.S. Commissioner to perform any and all work involved; to enter into contracts with the property owners for the acquisition of properties and performance of work as with the railroad companies; and to convey or exchange properties acquired or improved by the United States.

Section 2 of the bill would authorize the U.S. Commissioner to operate and maintain, as well as construct the works provided for in the convention and in the bill, and to turn over to any Federal agency, or any State, county, or other political subdivision, such works as the Commissioner may deem appropriate. This would include turnover for operation and maintenance:

To the General Services Administration of properties acquired for Federal inspection facilities,

To the Department of Interior the new relocated portion of a Federal irrigation canal,

To the city the lands acquired for replacement of its school and other facilities, including the U.S. portion of two new bridges.

To the railroads their relocated facilities, and

To the bridge company the bridges which replace existing structures.

Section 3 of the bill has its origin in the late President Kennedy's instructions to Ambassador Thomas C. Mann at the outset of the negotiations for the convention, that the people who live in El Paso today should not be injured by any settlement. This section has been drawn with the view that this unprecedented circumstance of acquisition of private properties for transfer to another country not cause loss or injury to the U.S. property owners affected.

In the course of the negotiations of the Chamizal Convention, Ambassador Mann and I held a series of meetings with the community leaders and with the residents in the affected area. More than 500 people were consulted, including 200 residents of the area. The large majority with whom we talked were in favor of settlement but expressed the natural and justified concern for adequate compensation to enable them to relocate and reestablish their homes and businesses without loss. Ambassador Mann and I assured the people that we would present this special problem to the Congress. In reporting the convention to the President, the Secretary of State stated that every reasonable consideration should be shown for those occupants of the territory to be acquired who must give up their homes and businesses. The Secretary indicated that a program for this purpose would be recommended to the Congress. Section 3 would provide that program.

Section 3 would authorize additional compensation over and above market values to prevent economic injury as follows:

(*a*) Reimbursement to owners and tenants for actual expenses and other losses and damages incurred by them in the process and as a direct result of moving themselves, their families, and possessions, in an amount not to exceed

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25 percent of the fair value of the properties. This authority would be the same as granted by statute to the Department of the Army and to the Department of the Interior. (Reference Public Law 87-651, dated Sept. 7, 1962 (10 U.S.C. 2680), and the act of May 29, 1958 (72 Stat. 152).)

(*b*) Compensation to owners and tenants for identifiable, reasonable and satisfactorily proved costs and losses as determined by a board of examiners appointed by the Commissioner, and subject to his approval, in the case of claims:

(1) For properties:

(a) For nonconforming residential abodes, or shelters for which there are no comparables on the market in El Paso, compensation up to an amount which, when added to the market value allowed for his property, including land value, would enable the owner to provide minimum facilities of similar or equivalent utility in or near the city of El Paso.

(b) For commercial properties for which there are no comparable properties on the market in or near El Paso, the owner may be compensated up to an amount which, when added to the total fair market value, including the value of the land, would compensate him for the "value in use" of the real estate to him. This "value in use" provision was an amendment proposed by the administration subsequent to the January 21 hearing before the Senate Committee on Foreign Relations and was approved by the committee. This amendment was made for the purpose and should obviate the possibility that a firm would better itself at Government expense. "Value in use" will be determined on the basis of replacement cost less an amount representing physical deterioration and functional obsolescence of existing properties and taking into consideration the net income of the owner.

(2) For loss of business:

(a) Loss of profits directly resulting from relocation, limited to the period between termination of business in the old and commencement of business in the new location, such period not to exceed 30 days.

(b) Loss to owner resulting from inability to rent housing or commercial space because of uncertainties arising from the pending acquisition of the owner's property by the United States.

(3) Penalty costs to property owners for prepayment of mortgages incident to acquisition of the properties by the United States.

APPLICATION OF SECTION 3

The preliminary surveys indicate that for most of the approximately 500 single family dwelling units, there are comparable dwellings available on the market, and hence the fair market values will enable property owners to purchase like housing elsewhere in the city. For these property owners, market value plus moving expenses should prevent serious loss. Also most, if not all, of those renting houses and tenements in the affected area will be able to find vacant like housing outside of the area so they should not be injured. However, in the case of the 90 "shelters"—the substandard dwellings which will be acquired, there are no comparables on the market in El Paso, and the market value for such will not be adequate to enable purchase of minimum housing of like utility.

Similarly, certain of the industries and commercial firms displaced cannot reestablish themselves under the general formula of fair market value, inasmuch as there are no comparable facilities on the market in the vicinity of El Paso. In connection with specialized commercial firms, qualified appraisers who are specialists in the particular type of firm concerned will first determine the cost of providing minimum facilities of reasonably equivalent utility. The appraisers would also determine and deduct the value of physical deterioration and functional obsolescence applicable in his overall appraisal of the "value in use" to the owners, and would consider the net income of the owner. The "value in use" formula was suggested by appraiser consultants as a basis more nearly compensating such businesses on an equitable basis without unjustly improving their position at the expense of the Government.

The procedure would be as follows:

In each case where the property owner makes a claim that comparable properties are not available on the market, the claim would be submitted to a board of examiners. This board would be furnished specific data on the market value of the subject property, on the availability of comparable properties, and if not available, the minimum like facilities in the market and the market value thereof. On the basis of such data the board would first consider the availability of comparables, and if none, make the determination on compensation warranted for

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minimum equivalent facilities on the market, for review by the Commissioner.

The board of examiners would consist of men carefully selected for their objective and highly respected judgment, with background experience in the fields of law, real estate or business, from the city of El Paso. They would be selected with a view to having an understanding of the problems facing the property owners, and also protection of U.S. taxpayers. Each case will be fully documented.

The board of examiners would also review the claims filed under section 3(b)(2)(a) for loss of profits directly resulting from relocation of a business and limited to a period not to exceed 30 days; section 3(b)(2)(b) for loss to owner resulting from inability to rent to others, such losses limited to those incurred after July 18, 1963; and section 3(b)(3) for penalties to property owners for prepayment of mortgages.

I believe that note should be taken that even with monetary compensations as would be provided by enactment of this bill, the residents of the area will still suffer social setbacks, and certain of the commercial firms will suffer economic losses. This will be so, because the residents in their present location enjoy an economic and social life peculiar to their needs—near their places of work, near low-cost shopping areas, and near their friends and relatives in Juarez, Mexico. There are no other like areas where they could relocate. Certain of the commercial firms, regardless of the special consideration proposed in their bill, will suffer irreparable losses because of change in location.

Section 4 provides that applications for reimbursement or compensation under section 3 would have to be submitted within 1 year from the date of acquisition or date of vacating the premises by the applicant, whichever date is the later, or forever be barred. This is similar to the limitation contained in "moving expense" legislation applicable to other departments. (Public Law 87–651, dated September 7, 1962 (10 U.S.C. 2680).)

Section 5 was added by the Senate committee to allow discretionary authority to limit attorneys fees to a maximum of 10 percent of the award in connection with ciaims under section 3. Such fee would be paid out of but not in addition to the amount of the award. The section also provides for a fine or imprisonment or both if an attorney charges or collects an amount in excess of the 10 percent provided as maximum. This was language suggested by the administration, following and in response to questions raised by the Senate committee at its hearing on January 21, 1964, and was approved by that committee.

Section 6 prohibits duplicate payments and provides that the exercise of right of eminent domain and other rights of the Government would not be precluded by this proposed legislation, nor would the rights of owners and tenants under other laws or the Constitution of the United States be affected. The language prohibiting duplicate payments is similar to that used in aforementioned Public Law 87–651.

Section 7 would exempt from the gross income reported for income tax, awards for moving expenses (sec. 3(a)), for noncomparable properties over and above market value (sec. 3(b)(1)), and penalties for prepayment of mortgages (sec. 3(b)(3)). It provides, however, that amounts received under subsection b(1) shall be included in gross income to the extent that such amounts are not used within 1 year of the receipt thereof to purchase replacement housing or facilities. This also was an amendment suggested by the administration in light of the Senate committee hearing, and approved by the committee.

Section 8 defines the term "land" as used in the proposed act to include interests in land and the term "fair value" as the fair value of interest acquired. These definitions are patterned after sections 2 and 3 of the act of May 29, 1958 (72 Stat. 152). This section also would exempt the provisions of the proposed act from the operations of the Administrative Procedures Act of June 11, 1946 (160 Stat. 237). This exemption means that the operations under this proposed act, such as the determination of the special compensation to be paid, shall not be subject to the requirements of the Administrative Procedure Act regarding publication of rules, issuance of legal process, hearings (and provisions regarding burden of proof and evidence in connection therewith), licenses, and judicial review. Such exemption is desirable particularly inasmuch as most of the provisions of the Administrative Procedure Act are inappropriate to the less formal compensation procedure contemplated in this proposed act. The exemption is like that contained in the legislation of the Department of the Interior (72 Stat. 152: 43 U.S.C. 1232), and that of the Department of the Army, Corps of Engineers (66 Stat. 624), regarding payment of moving expenses and resettlement costs resulting from acquisition of lands by those agencies.

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Section 9 would authorize appropriation to the Department of State for use by the U.S. section not to exceed $44,900,000 to carry out the provisions of the convention and this proposed act, and for transfer to other Federal agencies to accomplish relocation of their facilities necessitated by the project. It further provides that of the appropriations authorized, not to exceed $4,200,000 may be used to carry out the provisions of section 3 of the bill. The ceiling amounts were estimated by the administration pursuant to the request of the Senate committee.

Section 9 also makes applicable, to carry out the provisions of the convention and the proposed act, the provisions of section 103 of the American-Mexican Treaty Act of 1950 (22 U.S.C. 277d–3). The act and section in reference authorize appropriations to the Department of State for use of the Commission, as necessary to carry out the provisions of the treaty of February 3, 1944, and other treaties and conventions between the United States of America and the United Mexican States, under which the U.S. Section operates, and to discharge statutory functions and duties of the U.S. Section, and states that such sums shall be available for construction, operation, and maintenance of treaty works, for personal services, for rent, transportation, communications, and supplies, as necessary, and for efficient discharge of the responsibilities of the Commission,

PRELIMINARY AND TENTATIVE ESTIMATES OF COSTS

During the Senate hearings on this bill, ceiling costs were requested and included as noted in section 9. These were based upon the best data and information available and are believed reasonably reliable. However, it has not been possible to make detailed appraisals of the properties that will have to be acquired for the settlement, because, until the convention was ratified, there was no basis or propriety for contacting owners and tenants and inspecting their properties. This would only have unduly upset them. Moreover, there was no authorization or funding to enable appraisals and evaluations. Preliminary and tentative estimates, however, have been made by qualified real estate appraisers as technical advisers to the U.S. Section. Their estimates were based upon exterior observations and tax record values, and adjustment of the latter by their knowledge of and experience in the area, taking into account comparative sales of like properties. Further, only preliminary and tentative engineering estimates were possible of the costs of the 4.3 miles of new river channel and bridges for relocation of the river, of the 8.9 miles of railroads which will have to be relocated, and of the public facilities which will have to be reestablished, including school facilities, garbage disposal facilities, part of an irrigation canal, and a part of the sewage treatment works. With this understanding, the estimated ceiling costs to implement the provisions of the convention and the proposed act are as follows:

	Estimated cost in millions
(1) Market value of 719 acres of land (with 843 improvements) to be acquired for transfer to Mexico and for relocation of the river channel and local public facilities	$24.4
(2) Relocation of 4.3 miles of the channel of the Rio Grande, the new channel to be concrete lined, and relocation of 6 existing bridges across the channel. The total cost is estimated at $6,400,000, and by the convention the United States will pay 50 percent, or	3.2
(3) Relocation of 8.9 miles of railroad tracks—19.6 acres	3.0
(4) Relocation of public facilities:	
(*a*) As a part of the lands to be acquired there will be the city of El Paso's Navarro Primary School and a part of the grounds of the Bowie High School, costs of which are included in the estimates of properties to be acquired. However, their relocation would require additional costs for land and construction tentatively estimated at 11.1 acres	.6
(*b*) There will be acquired a part of the lands of the city's main sewage disposal plant, which will require replacement to permit equal utility of existing facilities, the increased cost of which is tentatively estimated at	.6
Subtotal	31.8
(5) Administrative costs, estimated at 4 percent	1.3
Estimated minimum convention cost	33.1

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Deductions from above estimated minimum cost of $33.1 million will be the payment by a Mexican bank to the United States pursuant to the convention in the amount of $4.7 million for the structures which will pass intact to Mexico. Although not a cash credit, there also should be taken into account as a credit the 193.18 acres of land which will pass from Mexico to the United States, which has an estimated market value of $6 million. Taking these credits into account, the net minimum effective cost amounts to $22.4 million as follows:

	In millions
Estimated minimum convention cost	$33.1
(*a*) Less payment by Mexican bank pursuant to the convention for value of structures which pass intact to Mexico	4.7
Estimated net minimum cost	28.4
(*b*) Less the estimated market value of the 193.18 acres of Cordova Island which will be transferred to the United States	6.0
Net minimum effective cost	22.4

Although the net effective cost would be about $22.4 million under existing law, the cost of the settlement will be higher if the Congress approves the proposed legislation now before this committee. The estimate for compensation to avoid injury, provided for by section 3, would add about $4.2 million to the cost of the settlement.

Further, the settlement will now permit the construction of three port-of-entry inspection facilities which now occupy temporary or leased premises. Construction of new facilities are needed aside from the convention, and the Congress previously appropriated $1.1 million for a part of the facilities but the General Services Administration deferred construction pending the Chamizal settlement. The facilities required are for the Immigration and Naturalization Service, Customs Service, Plant Quarantine Division of the Department of Agriculture, and Public Health Service. The land acquisition costs for these facilities involving about 20 acres is estimated to amount to $2.6 million. The cost of new buildings is tentatively estimated by the General Services Administration to amount to $5 million.

The tentatively estimated total appropriations which would be required are as follows:

	In millions
(1) Estimated convention cost	$33.1
(2) Estimated compensation to property owners to avoid injury	4.2
(3) Estimated relocation of expansion of port-of-entry facilities	7.6
Tentative total estimated appropriations required under this proposed act	44.9

During the convention hearings the estimated net minimum convention cost was given as $18.6 million after taking into account credits of $4.7 million for the payment by Mexico and $6.0 million for the value of the part of Cordova Island that passes to the United States. Without these credits the minimum convention cost and appropriation requirement was given as $29.3 million. The cost of compensation under section 3 for consideration by the Congress to avoid injury was estimated at $4.0 million, and the cost estimated for relocation and construction of port-of-entry facilities was estimated at $6.1 million, making a total of $39.4 million required. The Senate, in hearings on S. 2394, requested a ceiling cost to be placed on the total cost and on the compensation under section 3. The above estimates were accordingly adjusted to reflect such ceilings. The increases involve the acquisition of the land, item 1, $3.6 million; the port-of-entry facilities, $1.5 million; compensation to avoid injury (sec. 3), $0.2 million; and administrative costs, $0.2 million—a total increase of $5.5 million to the sum total of $44.9 million. The land costs estimates were increased by 17 percent to allow for a possible increase in land values to arrive at estimated ceiling costs. The increased cost of the port-of-entry facilities results from revised estimates for increased facilities as indicated by General Services Administration and the inspection agencies involved.

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TIME SCHEDULE

The Chamizal Convention provides that the relocation of the international boundary and the transfer of lands provided for in the convention shall not take place until there have been acquired by the United States, in conformity with its laws, the lands to be transferred to Mexico, and the occupants given reasonable opportunity to relocate.

The convention having been ratified, the U.S. property owners in the area now know that they will have to move out—to relocate themselves. They are naturally upset and emotionally disturbed and delays will only add to the burdens and hardships of their displacement. It is, therefore, urgent from the viewpont of our U.S. citizens that authority be granted and funds be made available at the earliest practicable date to undertake the land acquisition program and relocation of facilities.

Moreover, delays are likely to cause rises in costs to the Government due to probable increases in market value and possible speculation.

With expenditious surveys, appraisals, negotiations, but giving reasonable time for occupants to relocate themselves, it is estimated that after authorization and appropriations, the land program and relocation of facilities will require 2 to 3 years. Thereafter, the construction of the new channel and relocation of the river will require about 1 year. The total program, to carry out the convention, is estimated to require approximately 4 years.

CONCLUSION

Mr. Chairman, in concluding this statement I should like to stress the importance of the provisions in the proposed legislation for compensation to the U.S. citizens affected. It seems only just that they not be caused to suffer harsh treatment by the convention for the settlement of an international dispute. Your favorable consideration is respectfully recommended.

Thank you, Mr. Chairman and members of the committee.

Mr. FRIEDKIN. First let me express the regret of Mr. Thomas C. Mann for not being here. He was earlier scheduled to be here this morning to present the background to the convention and the background to this bill. He will be here, I understand, tomorrow morning to present this background.

I will therefore only touch on the background of the convention, and briefly review the terms of the convention to assist in an understanding of the bill itself. My statement on the bill will attempt to outline briefly the substance of each of the provisions of the bill, the need for and application of each, and the urgency and the time required to accomplish the works which would be provided by the bill if it were enacted.

The Chamizal Convention settles a boundary dispute in the vicinity of El Paso, Tex., and Ciudad Juarez, Chihuahua, Mexico, which is now nearly 100 years old. I would like to refer to these maps for the location of the areas and particularly the location of the problem area.

If I may refer to the map that you have before you, which is similar to the one I have on the easel here, the map is of the city of El Paso and the city of Juarez. This is the vicinity map. The Rio Grande flowing through the pass, from which the city of El Paso gets its name, through the mountains, and flowing thence southward, with the city of El Paso located north of the Rio Grande, the city of Juarez located to the south. The city of El Paso has a population of 300,000; the city of Juarez more than 300,000. Between these two cities the international traffic is highest of any along the Mexican border. There are about 30 million people that cross the border annually in this area. The particular area which we would focus on is the area outlined in the rectangle on this map, an area located about 1 mile south of the main business district of the city of El Paso.

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The area which was outlined in the rectangle now is shown on this other map. The area in dispute is the area between the location of the 1852 river, which was surveyed following the Treaty of Guadalupe Hidalgo in 1848, and the location of the river in 1896 which is practically its present location. The river between these dates moved southward transferring from Mexico to the United States approximately 600 acres. This is the area which Mexico laid claim to. This is what is referred to as the "Chamizal disputed area."

While the river channel is between the two cities, the boundary actually follows around a large enclave into the United States known as Cordova Island. This enclave is under the jurisdiction of Mexico, because in 1899 the river did actually flow around this meandering loop and in that year the authorities of the two cities, with the approval of the two Governments, made a cutoff at the base of this loop. This cutoff being artificial, was made with the proviso by Mexico that this territory would remain in the sovereignty of Mexico.

I should like now with this brief background on the problem, which Assistant Secretary Mann will go into further tomorrow, to review the provisions of the Chamizal Convention:

The convention provides for the relocation of the river channel from its present location northward in such a manner as to transfer to Mexico a net of 437.18 acres. The net transfer would, as stated in the preamble of the treaty, give effect in today's circumstances to the arbitration award of 1911. In addition to the transfer to Mexico of a net of 437 acres, there would be an exchange from each country to the other of 193 acres, making a total transfer from the United States to Mexico of 630 acres and a transfer from Mexico to the United States of 193 acres.

The land which makes up this transfer would comprise 366 acres in the lands to the west of Cordova Island. In addition, there would be a transfer to Mexico of 264 acres on the east side of Cordova Island to make up the total of 630 acres. The lands which come to the United States comprise 193 acres of the lands on the north half of Cordova Island.

By the terms of the convention the center line of the new channel will be the boundary. The lands passing from one country to the other would be free of any private title or other encumbrances. A banking institution of Mexico will pay to the United States $4.676 million for the value of the improvements which pass intact to Mexico.

Before the transfer of land is made, the convention provides that a period of time will be allowed for the United States to acquire the properties in the United States that pass to Mexico, and allow time also for the people in the area to relocate. After the properties are acquired, after the payment is received from the Mexican banking institution, the International Boundary and Water Commission will mark the new boundary line.

Following this, the two Governments through the Commission will relocate the river channel and relocate the bridges. The cost of this work would be shared equally by the two Governments.

The convention finally provides that the relocation of the boundary and of the river will not affect the citizenship of present or prior residents of the area, and that the jurisdiction which has been exercised, and further legal proceedings which may be pending would not be affected by the transfer.

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With this background I should like now to take up the proposed legislation, S. 2394, taking it up section by section, in an effort to give you the substance and the reasons for each and its application.

Section 1, paragraph (a), of the bill would authorize the Secretary of State, acting through the U.S. Commissioner, first to conduct technical investigations relative to the demarcation of the new boundary, to the channel relocation and relocation of appurtenant works. This work would be done jointly with the Mexican Section of the Commission.

Paragraph (b) of section 1 would authorize the acquisition of all lands in the United States necessary to carry out the convention, would authorize acquisition by donation, by purchase, or by condemnation.

Paragraph (c) would authorize the performance of the work involved in the relocation of the river channel and the relocation of other facilities in the United States that would be affected. As to the lands that would have to be acquired, in addition to the 630 acres which would pass to Mexico, there would be required about 140 acres, to make a total of 770 acres.

The 140 acres for rights-of-way would be the lands needed for the U.S. half of the new channel and for the levee on the U.S. side, for relocation of railroads which are in the area which would pass to Mexico, for relocation of schools, Federal properties, and for the relocation of a part of the El Paso sewage treatment plant.

The affected area between the location of the new channel and the location of the old channel including the rights-of-way required, is made up of about one-third agricultural lands, i.e., now used for agricultural purposes, for stockyards, and some vacant lands. About one-third of the area is in industrial and commercial development. The remaining one-third is in residential development.

I would like now to talk about the residential area. In the residential areas, there are about 500 single-family dwellings of standard construction. These are generally moderate to low cost homes, of the type indicated here in the photographs. They range in value from about $6,700 up to around $8,000 with some up to $12,000. This is the type of homes generally in the area. About 80 percent of the homes are of this type.

However, in the area an additional 20 percent of the homes, or nearly 100, are what we refer to as shelter dwellings. These are substandard dwellings, nonconforming, many of which do not have sanitation facilities. The land, however, is valuable. The value of these, because of the land value, generally runs from about $2,400 up to around $3,000.

These are photographs of commercial properties in the area. The one on the upper left is in the vicinity of the bridges. In this area there are parking lots. There is a molasses storage works used here in connection with the feed pens for the cattle. There are a number of small commercial businesses here.

This is a large warehouse here [referring to photograph]; here are the molasses storage tanks. There are small businesses along the street. This is a photograph of one of the large warehouses in the area of the Mining & Smelter Supply Co. There is a metal scrap company. There is a chemical plant. These are stockyards. This is a photograph of the large packing plant which serves most of the

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region with meats. It has a total area under roof of about 148,000 square feet. It handles over 300 head of cattle a day, 700 hogs a day. These are the feed pens. This gives a picture of the general type of commercial development in the area.

In addition there is a grammar school in the area, the Navarro School, which will pass to Mexico. There are the grounds of one of the principal high schools which would be affected, the Bowie High School. The Federal inspection facilities, which are now temporary or leased, would be affected. There would be required new Federal inspection facilities.

The third provision of section 1 relates to the performance of work. This is primarily the relocation of the river channel as well as the relocation of public facilities. The river channel would involve the construction of $4\frac{3}{10}$ miles of concrete-lined channel in the new location. This concrete-lined channel would firmly fix the boundary. It would provide an efficient waterway to carry floodflows. The area is still subject to flooding from the river. The concrete lining would minimize the rights-of-way which would be required.

Section 2 of the bill would authorize the U.S. Commissioner to operate and maintain as well as construct the works needed to carry out the Chamizal Convention. It would also authorize the transfer of facilities to other Federal agencies by whom they would be more appropriately operated and maintained, as well as to the State and city for operation of local facilities.

Section 3 of the bill has its origin in the late President Kennedy's instruction to then Ambassador Mann at the very outset of the recent negotiations for the settlement of the Chamizal. This was that the people living in the U.S. area should not be injured by the settlement.

During the negotiations Ambassador Mann and I met with more than 500 people of the city, more than 200 of whom were residents of the area. The large majority with whom we talked favored settlement, but expressed the natural, and we believe very justified concern, about adequate compensation so that they could reestablish themselves, their homes, and businesses without loss or injury. Ambassador Mann and I assured the people that we would present this problem to the Congress.

In our preliminary surveys and investigations to try to develop what the problems might be, we found that there would be a loss certainly to the people in the area for moving expenses, that to save them from such losses there should be compensation just as the Corps of Engineers and the Bureau of Reclamation provide for the people on their projects. We found, with respect to the dwellings that for about 80 percent of the single-family dwellings which are of standard construction, the market value which they would receive under the present laws would be adequate for them to reestablish themselves elsewhere. There are other homes on the market of about the same type and about the same cost. Hence about 80 percent would incur no problem.

For about 20 percent of the homes—these are the substandard shelters that we showed in the photographs—there are no other like places on the market; there are no comparable homes. The market value which they would receive would not be sufficient for them to reestablish themselves. They would be without homes. From our preliminary

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studies their market value with the land is some $2,000 to $3,000 and the nearest minimum replacement of equivalent utility is somewhere in the order of $4,000, $5,000, $6,000.

Similarly, there are certain of the industries and commercial firms for which there is no market and no comparables where they can go. They cannot reestablish themselves under the general formula of market value without some loss.

In addition our investigations indicated that there will be loss of business profits during the relocation of the businesses. There would be—in fact, there has been a loss of rentals in the area. The dwelling places and the apartments are losing rent now. There are commercial buildings now for rent that are not being occupied because of the existing uncertainty. People do not want to move into these places and have to move out again in the near future. There are considerable losses of rental in the area now.

Thirdly, people would suffer losses who have mortgages on their residences, and who, in paying off their mortgages in advance of the maturity date, would incur penalty costs on prepayment.

To cover these points, section 3 of the bill has been designed. To summarize: it would authorize payments to the occupants of the area for their direct moving costs up to 25 percent of the value of their properties. This is the same provision that is contained in the statutes for the Corps of Engineers and for the Bureau of Reclamation on public projects. For dwellings which are substandard, for which there is no market and no place for the people to go—this refers to these shelters—this bill in section 3 would allow compensation which, when added to the market value, including the value of the land, would permit these residents to reestablish themselves in minimum housing of equivalent utility on the market.

Mr. FASCELL. What if there isn't any?

Mr. FRIEDKIN. There are. There are many vacancies. There are over 800 vacancies in El Paso now. Some 400 of them or more are within the area that these people would move to. If there isn't any, then there is the problem of providing housing projects or providing for them elsewhere.

For commercial properties for which there is no market, this bill would allow compensation which, when added to the fair market value, including again the value of the land, would permit compensation to the owner for what is referred to as value in use. Value in use is defined in the bill as the replacement value less physical deterioration and less functional obsolescence. The appraisers would also take into consideration the income from the real estate to the owners.

For loss of business the bill would permit compensation for reasonable and identifiable loss of profit during relocation, but limited to a 30-day period.

For the loss of rentals it would allow compensation provided there are actual records of the loss. It would allow compensation for penalty costs in the case of prepayment of mortgages.

The bill would authorize a board of examiners to review each case with the factual data presented by the real estate and appraisal advisers and staff officers.

The examiners would be objective men, professional men from the city of El Paso.

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I would like to draw attention—invite attention that even with the monetary compensation as proposed in the bill many of the residents would still suffer some social setbacks, businesses would suffer some economic setbacks. This is because the residents in this particular area enjoy and have a way of life which is peculiar to their needs. They are close to their work. They are close to low-cost shopping centers. They are close to their friends and relatives in Mexico. Most of these people are of Latin descent. This will upset their way of life. For the commercial firms, even with the passage of the bill, there is likely to be some irreparable damage because the locations which they have now are particularly advantageous and strategic to their work.

Mr. SELDEN. Will it be necessary for these businesses to sell out and move, or can they continue to operate in Mexico?

Mr. FRIEDKIN. No, sir. All of the business would have to sell out. They would sell out and move. They could not continue to operate in Mexico.

Mr. SELDEN. They could not?

Mr. FRIEDKIN. No, sir.

Mr. SELDEN. Not even if they worked out some arrangement with the Mexican Government?

Mr. FRIEDKIN. They might work out an arrangement with the Mexican Government. As I mentioned, in the convention it is provided that these lands would pass to Mexico without any encumbrances. They might work out some——

Mr. SELDEN. That is what I meant. It seems that since the packing plant is there, perhaps they could work out some arrangement with the Mexican Government to continue to operate.

Mr. FRIEDKIN. There are two points on this. One is the packing company does not want to operate in Mexico.

Mr. SELDEN. That settles the matter.

Mr. FRIEDKIN. Let me say, secondly, while the building itself would go intact to Mexico, the equipment would be moved out. One of the objectives is to improve these areas. Local authorities would like to get the packing plant out of the center of the city.

Mr. FASCELL. There is another reason too, is there not? It would take an amendment to the treaty, would it not?

Mr. FRIEDKIN. Yes.

Mr. SELDEN. Would it mean an amendment to the treaty?

Mr. FRIEDKIN. Where it says this would go to Mexico free of private titles——

Mr. SELDEN. I understand that. But there is nothing in the treaty that would stop that company working out an arrangement with the Mexican Government, is there?

Mr. FRIEDKIN. That is right.

Mr. FASCELL. It would have to be after the transfer?

Mr. FRIEDKIN. That is right.

(Discussion off the record.)

Mr. FRIEDKIN. Section 4 of the bill requires that application for reimbursement or compensation under section 3 be submitted within 1 year of the date of acquisition or the vacating of the property, whichever is later, or be forever barred from consideration.

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Section 5 would allow and limit attorney fees to a maximum of 10 percent of the award in connection with the claims under section 3.

Mr. FASCELL. How about other professionals? In the case where you have a dispute on appraised value, for example, and the property owner not only has to get a lawyer but an appraiser?

Mr. FRIEDKIN. There is no provision in the bill for this, Mr. Fascell. This could well be the case. This was considered.

Section 6 would prevent the duplication of any payments. It further confirms the right of eminent domain by the Government and the rights of the property owners under the Constitution to go to court.

Section 7 would exempt from the income tax the awards under sections 3(a) and 3(b) (1) and (3). It would exempt from the gross income under income tax the compensation under section 3(b)(1) in the case of properties for which there are no comparables on the market, with the proviso that these funds are used for replacement within 1 year.

Section 8 relates to definitions, and defines "land" in the bill to include interest in land, and defines "fair value" as the fair value of the interest to be acquired. This is patterned after the act of May 29, 1958.

Section 9 would authorize appropriation not to exceed $44.9 million to carry out the provisions of the convention and the bill. Of this $44.9 million ceiling, there is a ceiling of $4.2 million for the compensation under section 3 of the bill.

I would like now to review our estimates leading to the $44.9 million.

Mr. FASCELL. Why not just give us a detailed breakdown for the record of the whole $44.9 million?

Mr. FRIEDKIN. This is in the statement. I would like to cover it not in detail but generally if I may, because I believe there is an important point there. The base costs for carrying out the treaty, this is for the acquisition of the lands, for the relocation of the river and the relocation of the railroads and certain public facilities, amounts to $33.1 million. This is the base cost. We feel there are reasonable deductions to be taken into account from this base cost.

One is the payment by Mexico of the $4.7 million. Second, although it is not a cash credit, there is a value to the 193 acres, the upper part of Cordova Island that comes to the United States, which is estimated at $6 million, making a total credit there of $10.7, reducing the base cost to $22.4.

On the other hand, and on the plus side, if in addition to the base cost, Congress allows the compensation under section 3, there would be an increase in cost of $4.2 million. Also, this settlement would permit the construction of new port-of-entry facilities to replace those which are being leased and temporary facilities which are used now. These new port facilities are needed in any event. These are estimated by preliminary estimates by the General Services Administration at $7.6 million, making a total of $11.8 million on the plus side.

So taking the base cost of $33.1 million, plus the compensation to avoid injury under section 3 of $4.2 million, plus the relocation of the Federal inspection facilities of $7.6 million, makes up the sum total of $44.9 million which is the ceiling cost for appropriations.

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Mr. Chairman, the convention provides, as I mentioned earlier, that relocation of the boundary and the transfer of lands will not take place until all these properties have been acquired; that is, the properties in the United States, and the occupants given opportunity to move. This is going to take some 2 or 3 years.

The people in the area—I mentioned there are some 4,500 or 5,000 people in the area, know now that the convention has been ratified. They are upset. They know they have to move. There is emotional disturbance. To delay this would only add to their burden. For this reason we believe it is urgent that this matter be taken care of at the earliest practical date.

With the total program to include the relocation of the river, relocation of railroad and other facilities, construction of new bridges, it is estimated it will take a total of 4 years.

Mr. Chairman and gentlemen, this summarizes my statement. I will be glad to attempt to answer any questions that you may have.

Mr. SELDEN. Mr. Freidkin, in moving the channel will this subject the city of El Paso to any greater flood damage?

Mr. FRIEDKIN. No, sir; it will improve their flood damage situation. We have below El Paso the international Rio Grande rectification project for the control of floods. This is a well maintained, good, straight channel, with well built levees on both sides. However, through the city of El Paso itself and for the city of Juarez, because of the Chamizal dispute, there is no settled jurisdiction over the river. There is no authority for maintaining the river channel. For this reason, we have a flood threat here now. But relocating the river in a concrete-lined channel will relieve the threat. Actually floodflows can be passed through the concrete-lined channel more efficiently, even though it is somewhat longer, and with the bends, than they could be in the old channel.

Mr. SELDEN. Does the Senate bill, as presently written (S. 2394), comply with all of the agreements that we have made not only with the Government of Mexico but with the city of El Paso?

Mr. FRIEDKIN. Insofar as our promises to do what we could for the people to be sure that they are adequately compensated, it does. Let me say that there are three other points. The city of El Paso has a four point program, so that this settlement would not injure the city but rather that it would be some enhancement. Their four point program is first, adequate compensation to the people as in the bill. The three remaining points, which I am sure Congressman Foreman will take up and present more completely, relate to, one, the proposal of a highway along the river channel, a border highway. This is a matter which Ambassador Mann and I discussed with the people during the time of negotiations. The right-of-way which is required for the U.S. levee would provide the right-of-way for the border highway. We favor the highway. We think it is needed and would be helpful. It is under study now by the Bureau of Public Roads and will be submitted for consideration when the studies are finished.

Mr. SELDEN. It is not included in this legislation?

Mr. FRIEDKIN. No, sir.

The second point that El Paso proposes, feels strongly about, is the matter of establishment of a park in the Cordova Island area

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to symbolize this settlement. They feel it should be properly symbolized.

Mr. FASCELL. You mean a Federal park?

Mr. FRIEDKIN. Yes, sir. This is under study by the National Park Service to see whether it would qualify and whether it would be justified. This would be a national memorial park.

The third point with which the city and the irrigation districts which lie above and below El Paso are concerned is that there is an open canal which runs through the lower part of El Paso here which has been the cause of loss of over 110 lives. It is very unsanitary. Its relocation has not been possible because of this dispute. With this settlement it does become possible. It is under study by the Bureau of Reclamation.

Mr. FASCELL. That is another Federal project?

Mr. FRIEDKIN. Yes, sir. These are not included in the bill before you.

Mr. SELDEN. Do you feel that this bill should be passed as is and that these other matters should be taken up separately by the different bureaus that have them presently under study?

Mr. FRIEDKIN. Yes, sir.

Mr. SELDEN. Mr. Fascell.

Mr. FASCELL. What is the theory behind not including awards on earned income as capital gains?

Mr. FRIEDKIN. In the matter of the compensation under section 3?

Mr. FASCELL. Yes.

Mr. FRIEDKIN. Not as part of the tax?

Mr. FASCELL. If I acquired a piece of property at $2,000 and settle with the Government at $10,000, why shouldn't I pay a capital gains?

Mr. FRIEDKIN. This provides they would not pay a capital gains tax provided this money is used in the replacement.

Mr. FASCELL. Replacement within the specified period of time?

Mr. FRIEDKIN. Yes.

Mr. FASCELL. Otherwise it would be treated as income?

Mr. FRIEDKIN. Yes, sir.

Mr. SMITH. This is consistent with existing internal revenue legislation.

Mr. FASCELL. What commitments, if any, exist in connection with the 193 acres in Cordova?

Mr. FRIEDKIN. In respect to this, there is a statute in the legislation enacted by the Congress under which we have operated in the past in the case of lands coming to the United States that provides that such lands would be made available first to the State, county, or city for public purposes and by donation. If not used for public purposes, they would be sold to the highest bidder for the purposes of the zoning of the particular area.

Mr. FASCELL. As I understand it, what is under consideration is a waiver of that statute.

Mr. FRIEDKIN. No, sir. This would be within the statute. The statute provides that lands coming to the United States from Mexico and——

Mr. FASCELL. Would first be offered to the State?

Mr. FRIEDKIN. The county and city for public purposes.

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Mr. FASCELL. If they want a Federal park, that means they have turned down all the priorities under the statute, and under the statute you would then be required to sell it privately to the highest bidder?

Mr. FRIEDKIN. They consider, and I believe there is merit in it, Mr. Fascell, this would be a public purpose for this area.

Mr. FASCELL. If it was operated and maintained by the State or the county or the city, it might be. But, under the statute, if you maintain it by the Federal Government it would still be in the public domain.

Mr. FRIEDKIN. This is right, of course.

Mr. FASCELL. In other words, what is under consideration is an indirect waiver of the present law by consideration that this should be a Federal park, owned, operated, and maintained by the Federal Government?

Mr. FRIEDKIN. There is an important provision which I have overlooked. This is that only these lands which come to the United States and which are not needed for Federal purposes would be turned over to local authorities.

Mr. FASCELL. What we are about to see, if we define a need for Federal purposes——

Mr. FOREMAN. In some of the Federal facilities you will take in quite a bit of this area, to construct a center area——

Mr. FRIEDKIN. This is for an inspection facility for the control of customs, immigration, and so on.

Mr. FOREMAN. You have the Federal buildings and facilities. You would have the city and county community facilities, and the park area.

Mr. FASCELL. The colored area on the map is not included as part of the 193, or is it?

Mr. FRIEDKIN. It is. This comes off the 193.

Mr. FASCELL. That is for a predetermined Federal use?

Mr. FRIEDKIN. Yes, sir; also about 30 acres would come off for the levee and the U.S. part of the channel would come off it. The net remaining would be about 140. The city proposes to relocate a part of its school facilities in the westerly part of this area.

Mr. FASCELL. How can they do that on Federal property?

Mr. FRIEDKIN. They cannot, unless it was made available to them under the existing statute by donation for a public purpose.

Mr. FASCELL. You would have to transfer title by metes and bounds?

Mr. FRIEDKIN. This area is entirely vacant. This has belonged to Mexico and Mexico has restricted development there.

Mr. FASCELL. Did I understand the entire cost of the levee would be borne by the United States?

Mr. FRIEDKIN. On the U.S. side, yes, sir.

Mr. FASCELL. There is one on the Mexican side?

Mr. FRIEDKIN. Yes, sir.

Mr. FASCELL. It would be a completely lined channel for the development of the agreed-upon area?

Mr. FRIEDKIN. Yes; this cost, and the cost of the levees would be shared equally by the two Governments.

Mr. FASCELL. As well as the bridge relocation?

Mr. FRIEDKIN. Yes, sir.

Mr. FASCELL. That is all I have, Mr. Chairman.

Mr. SELDEN. Mr. Beckworth.

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Mr. BECKWORTH. Over how long a period of time did these negotiations take place?

Mr. FRIEDKIN. Secretary Mann will go into this in quite some detail. In a sense, these have been going on since 1896. It went to arbitration in 1910. Since 1911 it has been an increasing problem between the two nations. In each administration since President Taft there has been an effort to try to settle this.

Mr. BECKWORTH. Was there an effort of a more emphatic nature here, say in the last 2 or 3 years? I know you have worked about 30 years on the Boundary Commission.

Mr. FRIEDKIN. Yes, sir. In some respects it was, but earnest efforts were made before by both sides, but they were unable to get together.

Mr. BECKWORTH. As the negotiations transpired more here recently, who was our main negotiator?

Mr. FRIEDKIN. Our then Ambassador, Thomas C. Mann.

Mr. BECKWORTH. You would say he worked on the problem from the time he became Ambassador to Mexico?

STATEMENT OF ROBERT M. SAYRE, DIRECTOR, OFFICE OF MEXICAN AFFAIRS, BUREAU OF INTER-AMERICAN AFFAIRS, DEPARTMENT OF STATE

Mr. SAYRE. I think I can answer the question specifically. Actual negotiations for a Chamizal settlement this time began just before President Kennedy went to Mexico in June 1962. The Mexicans wanted the Chamizal question included on the agenda for discussion between the two Presidents. We began talking with them, I believe, in March 1962, to see whether there was anything we could do that would make this a useful subject for the discussion between the two Presidents.

We were not able to come to any agreement with them before the two Presidents met. So all that happened in the meeting between the two Presidents was issuance of a statement that the two Foreign Offices ought to continue to discuss the dispute and to try to reach a complete solution, which we did by the convention which was signed on August 29, 1963.

Mr. BECKWORTH. Thank you for that information.

I wanted to ask you a little bit more about these people with the shelter-type houses. What was your explanation as to where they would go and how much loss they would sustain?

Mr. FRIEDKIN. Mr. Beckworth, there are no other places for them to go with houses of that type. With the money they would receive for those shelters they could not reestablish—get another home.

Mr. BECKWORTH. It is your estimate that they will suffer more proportionately than anybody?

Mr. FRIEDKIN. Yes, sir. For the other dwellings, our real estate appraisers, Mr. Weems and others, advise that for most of the dwellings other than these shelters there are other equivalent places on the market in El Paso and the fair market value would be sufficient for them to reestablish.

Mr. BECKWORTH. Do I understand any effort has been made to minimize that extra amount——

Mr. FRIEDKIN. This is the purpose of section 3 of the bill, to allow compensation over and above what they would receive for these sub-

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standard shelters to enable them to purchase other places, the minimum on the market of equivalent utility.

Mr. BECKWORTH. As these negotiations were held, were they represented at various times by an attorney or by individual testimony?

Mr. FRIEDKIN. By individual testimony.

Mr. BECKWORTH. Some of them did come?

Mr. FRIEDKIN. Many of them came. There was one group of over 100. Many groups of 25 and 30 met several times.

Mr. BECKWORTH. Thank you.

Mr. SELDEN. Mr. Friedkin, do you have any recommendations as far as the Senate bill is concerned?

Mr. FRIEDKIN. No, sir.

Mr. SELDEN. Is this bill completely in accord with the recommendations of your staff?

Mr. FRIEDKIN. Yes.

Mr. FASCELL. Do you have in your statement the ad valorem tax losses to the city of El Paso as a result of the transfer?

Mr. FRIEDKIN. No, sir; it is not in the statement.

Mr. FASCELL. Could you tell us what it is?

Mr. FRIEDKIN. The estimates of the value of the property on the tax rolls have been around $10 million.

Mr. FASCELL. That doesn't mean anything if we don't know what basis——

Mr. FRIEDKIN. If you would like this I would have the report forwarded and included in the record.

Mr. FASCELL. I would like to have it translated into dollars on the tax roll and into the percentage, if you can do it.

Mr. SELDEN. If you can get that information, we will include it in the record at this point.

(The following information was subsequently furnished:)

The assessed value of the property passing to Mexico in the city of El Paso, as furnished by the city to the U.S. Section of the International Boundary and Water Commission, is $11,506,830 which represents $246,000 in city, county, and school taxes. The loss in tax dollars represents 1.19 percent of the total taxes collected by the city, county, and school districts.

Mr. FASCELL. The $10 million is meaningless unless you know how they assess in that particular area.

Mr. BECKWORTH. While we are talking about the treaty, for the record, do you recall what the Senate vote was on the treaty? I would like for it to be in the record.

Mr. FRIEDKIN. It was 79 to 1.

Mr. SELDEN. Do you know what the Senate vote was on this legislation?

Mr. FRIEDKIN. No, sir.

Mr. SAYRE. The Senate passed the legislation by voice vote, without objection.

Mr. SELDEN. Are there any further questions that the committee members would like to ask Mr. Friedkin?

Mr. O'Hara has come in. Do you have any questions?

Mr. O'HARA. No questions, Mr. Chairman.

Mr. SELDEN. If there are no further questions to be asked the present witness, we thank you very much, Mr. Friedkin, for your testimony. If any further technical questions occur during the hearings in connection with this legislation, we may have to call on you for additional information.

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We also have with us this morning as a witness the Representative from the 16th District of Texas, which includes the city of El Paso, Congressman Ed Foreman.

Congressman, we will be very happy to hear you at this time if you would like to make a statement.

STATEMENT OF HON. ED FOREMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. FOREMAN. Thank you, Mr. Chairman, I have a brief statement that I would like to present to you. I think copies have been furnished to each member.

Mr. Chairman and members of the committee, my distinguished colleague from Texas, Mr. Beckworth, Mr. O'Hara, and others, I thank you for the opportunity to appear before you today. I have the privilege of representing Texas' 16th District in the U.S. House of Representatives. This broad, 42,000-square-mile district, with over 600,000 residents, includes the International Sun City of El Paso, Tex.

El Paso is truly an impressive front-door entrance to the United States from Mexico and Central and South America. It is an old city and yet, it is a new city with spirit and color and new ideas and growth. It is an industrial city—the business hub of the growing Southwest.

As I'm sure you understand, our city and its citizens will be disrupted by the readjustments necessary in the Chamizal Treaty settlement and, as you are aware, the city and county will experience a considerable financial loss in taxable property, but the citizens have gracefully and honorably accepted the reality of these losses and inconveniences to which they will be subject in order to carry out the Chamizal Convention agreement with our good neighbor, Mexico.

I appear before you today to endorse this bill, S. 2394, to insure prompt, just settlement and compensation to our people and the city of El Paso. Of utmost importance and concern to me, and I am sure to all the Members of Congress, is an adequate, fair compensation to those folks who are directly affected by this settlement. There are some 3,900 of them, I believe. Those who must give up their homes and their businesses and move to new locations.

Section 3 of S. 2394 is well written, and the explanatory testimony by Commissioner Joseph Friedkin as to the intent of the determination and payment to these people of fair and just resettlement costs and expenses for their inconveniences and losses is well stated. I strongly endorse this as perhaps the most important personal and human section of this bill.

We have a lot of people in this area who are in a very low income bracket. Some of them who make probably less than $100 a month, who have their homes—they are paid for, they live there. They get by. And we have very much of a problem confronting us if we just go in and pay these people exactly what that little piece of property may be worth, and they have to move into a place that costs them considerably more in payment. If we relocate them, we are faced with a tremendous problem if such as this would happen. I am particularly pleased to see the provisions of section 3 in this bill. I think this is very good. I think it is a good consideration by the Government and by the State Department that has been worked out.

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In addition to the provisions included in this bill, there are three other very important considerations that I believe should be discussed and explained as a part of the overall settlement provisions of this program. These items were discussed quite thoroughly before the Senate Foreign Relations Committee during the hearings on the Chamizal Convention and during the meetings held by former Ambassador Thomas Mann and Commissioner Joseph Friedkin with the folks of El Paso.

There is considerable testimony on this in all of the Senate committee hearings.

These additional, necessary considerations are:

(1) A border highway along the new river location: To provide the needed south loop main artery for traffic around the city in connection with the Federal and State highway system, which loop has not been possible because of the Chamizal dispute. It is needed to replace two of the streets in the downtown section of El Paso which will be lost by the settlement, to improve border patrol and control measures, and to improve and beautify the strip along the U.S. bank of the new river channel and boundary location, and as a part of the coordinated plan with Mexico for a similar highway on its bank of the new channel.

(2) Federal irrigation canal relocation and improvement, which has long been needed but not possible because of the Chamizal dispute. This canal should be placed underground in order to protect against further loss of life and unsanitary conditions in the old canal built in 1915. This improvement is needed to assure full use by the United States of waters reserved to this country by the 1906 Water Treaty, and water which is taken out above the city of El Paso. This old canal has been an open and exposed canal across the city of El Paso. A good many children have lost their lives in this old canal. We have been unable to do much about it because of the Chamizal problem. We think it is a good time to bring it to a conclusion. We think this would be a good thing to do.

(3) A national monument park on the 193 acres of land which pass to the United States from Mexico on a strip of land along the new channel, as a permanent monument and cultural center to commemorate the peace and good will reflected by the Chamizal settlement in this historic "Pass to the North," and to match the similar border improvement program on the Mexican side.

I might add that the Mexican Government has already completed a very extensive border improvement program. They have spent over $4 million on it thus far, and are proceeding quite rapidly with the expenditures in cleaning this up and making quite an impressive border along here.

It was my opinion and recommendation to the Senate Foreign Relations Committee that it would be advisable, indeed, to include these three important considerations so necessary to implement the full intent of this treaty and to keep faith with our El Paso citizens, in the original enabling legislation. It would have saved us much time and expense to have considered and implemented this complete settlement agreement and understanding in one bill instead of a series of piece-

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meal bills. However, it was the opinion of the Senate committee that in order to expedite this settlement, this bill should be approved as is, and the other considerations be handled by a separate bill. I mention this only in view of the additional legislation which will be introduced, and will be coming before this committee before long. I think it should go on the record and we should discuss it and the committee members should be aware of it.

I have a concise illustrated review and explanatory pamphlet, "The Chamizal Border Improvement Project," prepared by the city of El Paso, for each of you, which more thoroughly explains and presents the complete program as discussed.

In addition to that I should like to submit for the record a statement I received in the mail yesterday from the Chamizal Civic Association, Mr. Feliciano Hinojosa, who is the president of this organization, suggesting some provisions that might be in this. I will submit this for the consideration of each member of the committee and for the record here.

Mr. SELDEN. Without objection, that statement will be included at this point in the record.

(The documents referred to are as follows:)

CHAMIZAL CIVIC ASSOCIATION,
El Paso, Tex., February 23, 1964.

Congressman ED FOREMAN,
Cannon House Office Building, Washington, D.C.

DEAR ED: Thank you for your phone call informing us that the House Foreign Affairs Committee would hear our plea this Wednesday.

We have no money to send a representative from here to Washington, so we would appreciate it if you would present the attached map and suggestions to the committee on our behalf for their consideration.

Thank you again for your helpfulness.

Sincerely,

FELICIANO HINOJOSA, *President.*

STATEMENT OF CHAMIZAL CIVIC ASSOCIATION

Honorable members of the House Foreign Affairs Committee, we appreciate this opportunity to bring to your attention certain problems faced by the residents and businesses of the area to be affected by the proposed Chamizal settlement, and to offer suggestions which might make their sacrifice less onerous, the loss to city, county, State, and school districts less oppressive, and the burden to the national body politic more equitable.

First, the problems. Many of the residents are among the "lowest fifth" economically, some are out of work or working part time. Many have been able to pay for their present homes only by going hungry at times. Some are widows, living in homes which they helped their deceased husbands to build in happier days. Many are elderly and unable to bear the necessary strain that would go with looking at other houses; it is especially hard on those old ones who have spent their sheltered lives in the same neighborhood and are now comforted by old friends and familiar surroundings.

Most are within three blocks of a neighborhood grocery where the prices are the lowest in town. The bus service is good, and if money is short it is close enough to town that most could walk. Taxes are low because of the longstanding dispute, but demand is high because of the convenience of location.

Some residents speak only Spanish, most others limited English. Moreover, they must constantly compete for available El Paso jobs with over 13,000 workers living in Juarez, while Mexican law prohibits them from finding work in Juarez (not that the Juarez wage scale is particularly enticing, but sometimes every little bit helps).

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In few cases is the land owned by those businesses operating along the railroad siding. They lease the land, and because of laws governing operation of the company, or because of low profit margin which will not allow increased siding costs, or because investment funds are not available to purchase acceptable land for relocation, or because of moving problems (molasses companies with underground pipes and storage tanks, and specific siding needs; molding companies that cut lumber to order and cannot build up an inventory to sell during the 3 months required to relocate equipment; small Spanish-speaking businessmen who must relocate in a Spanish-speaking neighborhood or become marginal workers or unemployed in the English-speaking city)—for these and other reasons at least a quarter of the businesses affected can be expected to cease operation.

We hold that these problems must be dealt with in such a way that businesses may stay in business regardless of the necessities which may be involved, that families must stay financially solvent if their children are to stay in school, that American property rights must be respected by government if respect for possession of private property is to be upheld.

Otherwise, both management and labor of some businesses will become unemployed, children will have to drop out of school to seek employment to help with the family's increased financial burdens (adding to the future problem of marginal workers), and juvenile delinquency may be expected to increase as respect for private property dwindles.

Some of the property holders are Mexican nationals, many of them parents of American children. Even so, it is American property rights that are involved, and these rights must be protected.

Before 1911, the city of El Paso allowed buildings to be erected in the disputed area, and the owners paid ground rent. After 1911 the city sold the land to private individuals; the deeds said nothing about the dispute, but some fine print in the titles (in English only) mentioned the dispute—the people who were aware of the disputed status of the area had every right to expect that the city which sold the land to private individuals would surely stand behind their claim.

In 1946, Rio Linda and Cotton-Mills additions were approved in the disputed area so that housing could be made available there for veterans of World War II, and those who were aware of the disputed status of the area had every right to expect that the city which had approved of the additions would surely stand behind their claims.

Through all of these years the city, county, State, school district, and Federal Government has collected taxes in the disputed area. Two hundred and sixty-four acres now involved have never been in dispute. As late as last December there were those who still insisted, "Surely our President won't do this to us."

Of the 770 acres taken from the city, less than 2 percent can ever again be taxed—not the land nor anything ever built on it. Of the 193 acres of Cordova Island which the United States will receive, about a quarter will be taken for river channel, roadbed, and Federal buildings. If arrangements could be made to use the rest of this area for resettlement of those who wish it, on a property-for-property basis, with mortgages transferred from property to property, the people might achieve the replacement of property with no debt increase.

When such use of Cordova Island was first suggested by Mr. Felipe Ramirez to some of our group, it was realized that there were difficulties involved. For one thing, the people should have a choice between money and the right to resettle themselves, or property in the suggested area. Besides being acceptable to the people affected, it would also have to be acceptable to the city, the American Federal Government, and the Mexico Federal Government.

A possible solution might be to first relocate the businesses along the siding area to a new area between 9th and 10th, then put a new fence just back of the housing areas and across Cordova Island, so that the 193 acres could be exchanged before the people had to be resettled. Then as the people received either their money or duplicate houses in the new location, the American Federal Government could take possession of the remaining area to be exchanged, and the channel and river road could be put in last.

Mr. Ramirez was thinking in terms of public housing, and he has made a professional drawing for consideration. If he has an extra drawing on hand it will be enclosed, otherwise it will be sent later for consideration. His idea, together

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with other suggestions, will be presented to Mayor Williams this week. Mr. Ramirez reports that he has found some support for his idea for public housing.

Our own inquiries indicate a greater interest in privately owned property. However, the matter should be explored further, and in all cases an exercise of free will should be supported.

The rough drawing enclosed is a general idea of what might be done with the area, but specifics have been left for consultation with city planning and various city groups. The drawing is not to scale, but is an approximation for working purposes.

Some people had earlier expressed a desire to be near relatives and friends in an area similar to that in which they now live. It is therefore proposed that the area (including Federal buildings) be of Spanish, pueblo, or frontier style to accentuate and preserve a good example of frontier and pre-Anglo culture both for the culture itself and for the benefit of tourists from other parts of the Nation. Some have expressed a preference for adobe structures, this building material turning heat and cold alike to a degree that makes heating and cooling costs less expensive.

The Seventh-day Adventist Church property is involved (and if land area is replaced, Reverend Cash has assured us that the church could operate in a building of the suggested type).

Navarro School could be rebuilt in the area, of conforming design. Bowie High School is not far away and could serve the area.

Preferred opportunity should be given for resettlement in the area by those businessmen of limited English who must operate in a Spanish-speaking neighborhood. There would also be opportunity for resettlement of other businesses, such as the affected shopping center on Hammett Street.

The area tentatively identified as Golden View is a suggestion of an arrangement which might be made for some of the older people whose infirmities cause them to be unable to care for a lot, but whose pride calls for individual ownership of a house. These are likely to be people living in structures which will be of low value. Inquiry might be made of these people if they would approve of protected area for themselves, with the city to own the land and care for it (grass and trees), but with the structures to be privately owned; special provisions should be made that their taxes now paid would continue, not to be raised during the occupancy of themselves in the structures, and the tax on the land would be applied to care for the land. The adjacent grocery area called for is to insure proximity so it will be unnecessary for them to cross the street or carry groceries far. It would be protection without isolation.

El Paso City buses can serve the area with buses running east and west, also with the Fort Bliss bus running north to Five Points and connecting lines there. Bus service to the south can be given by Juarez buslines.

Some service clubs were interested in a business where the people of South El Paso could use their natural talents for crafts, and this sort of work might be done in the area for shops and crafts where the people can capitalize on being themselves. Parking space for shoppers would be allowed for, as well as parks, dining facilities, et cetera.

Garden clubs, rock-hound clubs and jeepsters might work together on the desert park in which people from nondesert areas may see the flora and rocks of the area at close hand. Groups interested in the history of the area could work together on a frontier museum; suggested styling might be that of an adobe jail, and special honor might be paid to the lawmen of the early day. Space could be made available for erection of an opera house of conforming design; it is said that there is a need for one in El Paso, and one in this area would be centrally located. A community center could be built in one of the park areas, if it was desired; saloon-style has been suggested, but Indian council-house design would also serve. Some commercial buildings might do well in the northwest corner near the railroads, and would provide additional jobs in the area.

It is our opinion that the suggested solution would be less costly to the Federal Government as there would be no land costs involved, except in the case of those who prefer to be paid in money instead of in property; lot could be exchanged for lot, and houses could be reconstructed cheaper than houses with lots could be purchased. Floor plans could be duplicated (their

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furniture fits the present floor plan), and choice should be allowed between present construction material and adobe. Escrow accounting might be useful in bridging the time gap between signing of papers and exchange of keys. Local homebuilders should be given preference in the work instead of letting out the work on a large Government-bid basis which might leave out the local builders, diminishing to some degree the number of jobs made available to local workers. All workers employed should be residents of the city of El Paso.

Mortgages could be transferred from property to property with present terms and payments to continue as scheduled, leaving no increase in the present debt. The people should be allowed to take cuttings or plantings from their present homes for use in the new area.

"Florida Dolores" is a suggested name for the area. If the people are given just consideration, their sorrow will bring forth a bloom.

We would appreciate it if the enabling legislation would include a requirement that preference for the use of the north end of Cordova Island be given to those who are displaced by the proposed settlement, if it is their wish to receive exchange of property within the general outlines as proposed here, subject to city council approval of details.

Failing in this, we would appreciate it if the legislation were accompanied by a resolution indicating congressional approval of this general plan for resettling the people and some businesses on the north part of Cordova Island, subject to their approval, with details to be approved by the city council.

Surely it is possible for two great nations to settle their differences without imposing upon the poor of either nation, or upon small businesses, or upon one locality.

Approved by the membership.

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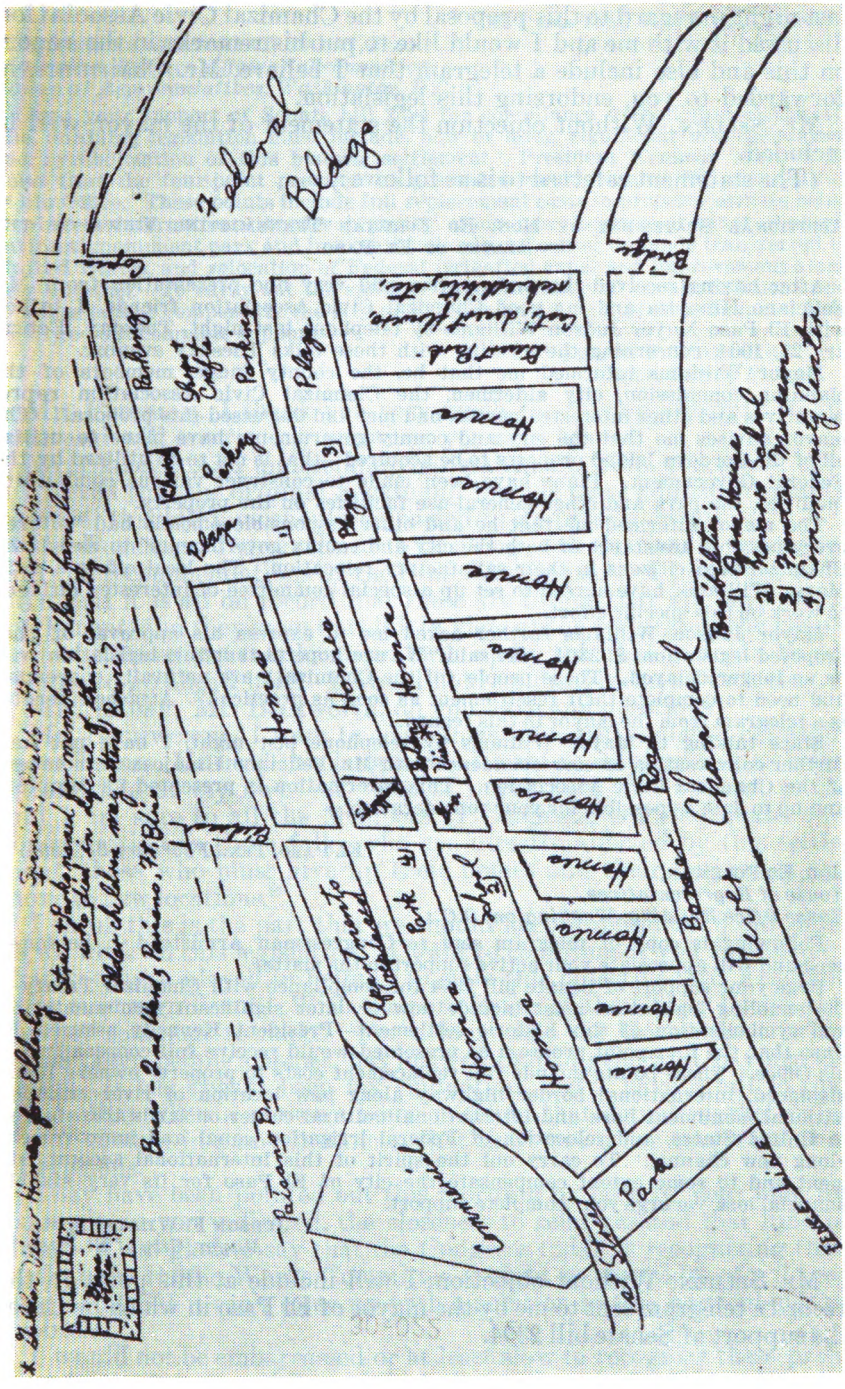

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Mr. FOREMAN. In response to that the mayor of El Paso called me last night in regard to this proposal by the Chamizal Civic Association, discussed it with me and I would like to put his remarks in the record on this and also include a telegram that I believe, Mr. Chairman, he forwarded to you, endorsing this legislation.

Mr. SELDEN. Without objection the statement of the mayor will be included.

(The statement referred to is as follows:)

ADDITIONAL STATEMENT BY HON. ED FOREMAN TRANSMITTING VIEWS OF THE MAYOR OF EL PASO

After having received this information and very fine presentation from Mr. Feliciano Hinojosa and my good Chamizal Civic Association friends, I talked with El Paso Mayor Judson Williams by telephone last night, Tuesday, February 25, 1964, concerning the meeting with these folks Tuesday evening.

Mayor Williams informed me that he, the county judge, members of the planning commission, city aldermen, the Chamizal Civic Association representatives and other interested parties had met and discussed this proposal. The mayor advises me that the city and county governments have plans to utilize all of the Cordova Island property to be acquired—that is not to be utilized by the Federal Government. Plans have been made to construct various community facilities, the park and other general-use facilities on the property.

The mayor informed me that he and other responsible officials had "offered every possible assistance of both the city and county governments" to assist the Chamizal area citizens in their satisfactory relocation. The local officials, said Mayor Williams, have agreed to set up a special committee of interested citizens to work on this specific effort.

Mayor Judson Williams further asked me to express his approval of this proposed legislation, S. 2394. He said "We are hopeful that this legislation will be no longer delayed. These people (of the Chamizal) are naturally concerned and need to complete their resettlement as soon as practical." Attached hereto, is a telegram from the mayor in this regard.

Since talking to Mayor Williams by telephone last night, I have not had further conversation or correspondence with Mr. Feliciano Hinojosa or members of the Chamizal Civic Association. This information is presented as complete and up to date as possible for your consideration.

EL PASO, TEX., *February 24, 1964.*

HON. ED FOREMAN,
House of Representatives,
House Office Building, Washington, D.C.:

Following is copy of telegram sent to Congressman Armistead I. Selden—need and will appreciate your active support in the matter.

Urge your support of Senate bill 2394 for compliance with Chamizal Treaty—the enabling legislation must include now or later significant monumentation and symbolization of this historic settlement—President Kennedy assured El Paso that the four-point program as presented would receive full cooperation of his Office. These points include full replacement costs to property owners being displaced, international border highway along new location of river channel, national monument park and international cultural center on lands transferred to United States, and relocation of Federal irrigation canal and improvement along new channel. To carry out the spirit of this international accomplishment and to some extent compensate the city of El Paso for its very sizable financial loss, we urge your complete support.

JUDSON F. WILLIAMS,
Mayor, City of El Paso.

Mr. SELDEN. Without objection, I will include at this point in the record a telegram sent to me by the mayor of El Paso in which he urges the support of Senate bill 2394.

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(The document referred to is as follows:)

EL PASO, TEX., *February 24, 1964.*

Congressman ARMISTEAD I. SELDEN, Jr.,
Chairman, Foreign Affairs Subcommittee,
House of Representatives, Washington, D.C.:

Urge your support of Senate bill 2394 for compliance with Chamizal Treaty. The enabling legislation must include, now or later, significant monumentation and symbolization of this historic settlement. President Kennedy assured El Paso that the four-point program as presented would receive full cooperation of his Office. These points include full replacement costs to property owners being displaced, international border highway along new location of river channel, national monument park and international cultural center on lands transferred to United States, and relocation of Federal irrigation canal and improvement along new channel. To carry out the spirit of this international accomplishment and to some extent compensate the city of El Paso for its very sizable financial loss, we urge your complete support.

JUDSON F. WILLIAMS,
Mayor, City of El Paso.

Mr. FOREMAN. I thank you very much for this opportunity to appear and will answer any questions you may have.

Mr. SELDEN. As I understand your statement, while you would have preferred that the original Senate bill include these additional points, you feel this bill now should be passed in its present form?

Mr. FOREMAN. I am inclined to go along with the Senate committee and the recommendations of the State Department. I just want to be sure that it is all on record that these are things that are part of the settlement, and they seem to think in view of the feelings of the people and of the anxiety that has been built up by this that it would be advisable to go ahead here. I would hold no disagreement with that.

Mr. SELDEN. Mr. Beckworth, do you have any questions?

Mr. BECKWORTH. I want to compliment our distinguished colleague from Texas. He used this language—I want to emphasize it as being an attitude of my own—of "utmost importance and concern to me and I am sure to all the Members of Congress, is an adequate, fair compensation to those folks who are directly affected by this settlement, those who must give up their homes and their businesses and move to new locations."

I think this is the part that we should keep uppermost in our mind as we work on this legislation. I want to compliment you for the part that you have played in helping to state this objective, Mr. Friedkin. It is most significant. With the permission of the Chair, I have this further comment to make. For a long time the Government, when it has taken people's homes, has insisted that in general it pay market value. It has always been my contention, and I have a bill to that effect, that when a person's home is taken that actual market value is not enough in many instances, that there are other very vital considerations.

They have been pointed out this morning by both of you; one, for example, as you indicated, the closeness to relatives and that kind of thing. I am glad to say that the Congress today is recognizing that, in that the Public Works Committee is right in the midst of a 2-year study to see if it can't come up with a solution to this particular type problem.

I would not be embarrassed or at least slow to recognize these problems in the future as this work is done out there in El Paso. I would

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not be at all reluctant to stand up for a good award that is fair to each of these individuals.

I believe this policy will be sustained in the end by the Congress. And if I do say it, I look forward to some better legislation in the future on this very point that you people have taken into consideration in a splendid way.

Mr. FOREMAN. I thank my Texas colleague for those comments. I am pleased indeed to say I do believe that the Members of the Congress would want to see that these people are fairly and adequately compensated for the many intangible inconveniences to which they are going to be subjected. Many of them were born and raised in the homes they now live in there; in fact, their parents were. It is quite a thing to uproot these people and move them to new locations.

Mr. BECKWORTH. That is all.

Mr. SELDEN. Mr. O'Hara.

Mr. O'HARA. Thank you, Mr. Chairman.

I have nothing to add to the amity of the Texas delegation.

Mr. FOREMAN. Thank you, sir.

Mr. SELDEN. Thank you very much, Mr. Foreman. We appreciate your appearance this morning and the information that you have given to us.

Mr. Friedkin, is there anyone in your group that would like to make any further statements?

Mr. FRIEDKIN. No.

Mr. SELDEN. If there are no further questions, I would like to announce that tomorrow at 10 o'clock Assistant Secretary of State Thomas C. Mann will testify in connection with this legislation.

As you know, he was one of the representatives of our Government who negotiated the Chamizal settlement.

We will meet promptly at 10 o'clock tomorrow, and I hope as many as possible of the subcommittee members will be here.

If there are no further comments, and no further questions by the committee members, the committee stands adjourned until 10 o'clock tomorrow morning.

(Whereupon, at 11:10 a.m., the subcommittee adjourned, to reconvene at 10 a.m., Thursday, February 27, 1964.)

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COMPLIANCE WITH THE CONVENTION ON THE CHAMIZAL

THURSDAY, FEBRUARY 27, 1964

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON INTER-AMERICAN AFFAIRS,
Washington, D.C.

The Subcommittee on Inter-American Affairs met, pursuant to adjournment, at 10:10 a.m., in room H–322, the Capitol, Hon. Armistead I. Selden, Jr. (chairman of the committee), presiding.

Mr. SELDEN. The committee will come to order, please.

The committee has before it S. 2394, a bill to facilitate compliance with the convention between the United States of America and the United Mexican States, signed August 29, 1963, and for other purposes.

Our witness this morning is the Honorable Thomas C. Mann, Assistant Secretary of State for Inter-American Affairs, and one of those who negotiated this agreement between our country and the Republic of Mexico.

Mr. Secretary, you may proceed.

STATEMENT OF HON. THOMAS C. MANN, ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS

Mr. MANN. Thank you, sir.

Mr. Chairman and members of the committee, thank you for inviting the Department of State to present witnesses in this hearing on Senate bill, S. 2394, a bill to facilitate compliance with the convention for solution of the problem of the Chamizal. Commissioner Friedkin has already discussed the provisions. If it is agreeable with the committee, I should like to review briefly the background of the convention and of the bill.

Since this is the first time the Chamizal Convention has come officially before the committee, I should like to take a moment to explain how it came about. In 1910, after decades of dispute, the United States and Mexico agreed in a treaty to arbitrate the question of sovereignty over a tract of land in El Paso, Tex., of approximately 600 acres, known as the Chamizal.

This tract had been transferred from the Mexican to the U.S. side of the river after 1852 by the southward movement of the Rio Grande. The treaty provided that the decision of the majority of the International Arbitral Commission was to be final and conclusive on both governments and without appeal.

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The majority rendered the decision that that part of the Chamizal tract south of the channel of the Rio Grande before the great flood in 1864 would be awarded to Mexico. The United States did not accept the award, but at once proposed that the two governments, without discussing the question of the arbitral award or the possibility of locating the channel of 1864, which was not known, endeavor to settle their differences through a new convention, and look toward a settlement on the basis of mutual accommodation and convenience.

This has been the consistent bipartisan policy of the United States ever since. The history of the Chamizal dispute since 1911 has been a history of continual attempts to conclude a settlement. The two governments on January 14, 1964, ratified a convention providing for such a settlement, and the bill before you would assist us in implementing that convention.

The friendly solution of this difficult problem through the provisions contained in the convention is in the best American tradition. A net 437.18 acres is being transferred to Mexico as the area of the Chamizal zone now concluded to have been awarded to Mexico in 1911. Since conclusion of the Banco Treaty of 1905, the 2 countries have similarly transferred to one another some 200 tracts along the Rio Grande, the United States gaining nearly 18,000 acres while giving up some 10,000 acres.

An additional 193.16 acres is being exchanged in the Chamizal settlement for an equal amount of Mexican territory in order to restore the river as the boundary in the vicinity of El Paso. This, too, is in accordance with tradition. Under the convention of 1933 with Mexico about 5,000 acres were exchanged between the two countries in a project to straighten and stabilize the river boundary southeast of El Paso.

Unfortunately, and especially because it has taken so many years to arrive at a settlement, the transfers of territory cannot be made, and the river cannot be relocated, without our having to ask some 4,500 of our citizens to give up their homes and businesses.

President Kennedy asked me, as Ambassador to Mexico, to take special care to avoid injury to people who live in El Paso today, since they were not responsible for failures of the two governments to reach a settlement before. Commissioner Friedkin and I therefore made every reasonable effort to find out what the people of El Paso thought was proper and beneficial for their city. I made three separate visits to the city to consult with the people and their representatives.

Commissioner Friedkin has been in almost daily touch with them. We believe that a majority were impressed with the advantages of the settlement and favored the general lines proposed in the convention. We could not but be impressed, however, that whatever our effort, at least 4,500 people would be disturbed, and unless special concern were shown, some would suffer economic losses.

This is the human problem of which the Secretary of State wrote when he urged that every reasonable consideration should be shown for those occupants of the territory who must give up their homes or businesses, and for the city of El Paso which will lose a net 437.18 acres.

People have lived and worked in the Chamizal for some 52 years since the United States rejected the arbitral award. The continual

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discussions with the Mexican Government of which I have spoken were necessarily confidential. These people could not have anticipated that the land on which they lived and worked would be transferred to Mexico. The U.S. Government would not have wanted to make general and periodic warnings to them because this would have jeopardized our negotiating position with Mexico.

So these people understandably relied on not being disturbed. In these unusual circumstances, I believe that the Federal Government has a special responsibility to see that the people in the Chamizal are made whole, and that they suffer no avoidable injury because the Federal Government has finally been successful in settling the Chamizal dispute.

The bill before you, in our judgment, would meet this responsibility. I urge the committee to report it favorably so that this international settlement will not fall harshly on a few people.

The city has urged the Federal Government to undertake several projects additional to those necessary for the carrying out of the treaty. They are not included in the bill presently before the committee. The executive branch felt that they should be considered separately, primarily because of the urgency of this bill and the fact that the interested executive agencies could not complete their studies of these projects in time.

In the discussions of a possible settlement with the citizens of El Paso, we spoke about the possibility of a highway on top of the levee following the proposed new river channel. I said I would support such a highway. I understand that it is now under study by the Bureau of Public Roads and the authorities of the State of Texas.

The right-of-way to be acquired under the pending bill for the levee would provide the right-of-way required for the highway. I hope very much that the Congress will later approve a paved highway running along the top of this levee practically as a feature of the relocated river channel.

Mr. Chairman, the Chamizal has been an issue in our relations with Mexico for 100 years. The Chamizal Convention, and the legislation now pending before your committee, are designed to resolve that issue definitively. The Chamizal Convention is a settlement of the dispute which is in the interest of both countries. The bill before you, S. 2394, will enable us to carry out the convention in a manner which I believe is fair to our citizens who will be affected by the settlement. I urge its prompt approval.

Mr. Chairman, we have some maps here which show the origin of the dispute and how we negotiated the settlement.

Mr. SELDEN. I think it would be a good idea, Mr. Secretary. Mr. Friedkin went into it in some detail yesterday, but several of the members were unable to be here at that time. I think it would be good if you would review this information today.

Mr. MANN. Fine. This map shows the general area involved, this being the area [pointing to section of El Paso] that we are going to talk about later. But to give you an idea of its general setting, this is Ciudad Juarez. This is the city of El Paso. I would particularly call your attention to the fact that a large part of the city lies to the east of the Franklin Mountains. These mountains jut down toward the river, and this is one of the reasons why the city is known as the

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city of the Pass, the pass being the area between the river and the mountains.

The Rio Grande, marked in blue here, used to come out, before dams were built upstream, with great force through these rocky gorges, dropping very rapidly. As it hit this alluvial plain it had a tendency to wander almost at will in times of flood. Any of you who know that part of the country know how snakelike the river is and how susceptible it has been, even in our lifetime, to movements in flood.

I want to call your attention especially to the fact that the tip of Franklin Mountain, and what we will later show you in a more detailed map, the northern part of Cordova Island, constitute a bottleneck for the city of El Paso through which all highways, railroads, and utility lines of various kinds must pass.

This is a map of the same region showing in more detail the circumstances that led up to this particular dispute. The Treaty of Guadalupe Hidalgo of 1848 provided that the river would be the boundary, and that the river would be surveyed. The survey along this part of the river was completed in 1852, shortly after the Treaty of Guadalupe Hidalgo. The river, we know by actual surveys on the ground, ran at that time along this dotted line that you see here.

Mr. MORSE. It was agreed in that treaty that the river would be the boundary line?

Mr. MANN. In the 1848 treaty, yes.

Mr. SELDEN. The river as it was then?

Mr. MANN. The river had been moving in a southerly direction by the process of eroding the south bank of the river and depositing alluvium on the north bank of the river some time before 1852. This southward movement continued after the survey of 1852. You can see that all of this land in here was by this process of erosion—the Mexicans say by movement so rapid it was akin to avulsion—was transferred from Mexico to the United States.

Beginning about 1867 the Mexican Government protested this movement south, and for almost 50 years we negotiated and talked about it, the Mexicans claiming essentially that the old riverbed, the 1852 riverbed, was the true boundary. We claimed that the boundary moved south with the river because the change was erosion and accretion, as distinguished from avulsion. In 1910 we decided to arbitrate. We signed an arbitration treaty with Mexico which was approved by the Senates of both countries. We agreed to submit to arbitration the question of where the boundary was. The treaty provided that the arbitral award would be "final and conclusive upon both Governments, and without appeal." The impartial arbitrator was the distinguished Canadian jurist, Eugene Lafleur. He held in essence that the river moved by erosion and accretion gradually between 1852 and 1864 and that therefore the boundary moved south with the river.

He found also that in 1864 there was a great flood in which the changes were so rapid they were more akin to avulsion, and therefore concluded that the 1864 river line remained the true boundary between the United States and Mexico.

I imagine all the members of the committee here are familiar with the distinction between a change by avulsion, on the one hand, and a change by erosion and accretion, on the other hand. We contended that the award was invalid for a number of technical reasons, one of

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them being that the Commissioners were empowered only and exclusively to determine whether the entire tract known as the Chamizal of some 600 acres belonged either to Mexico or to the United States and that they were not empowered to divide it.

Second, we said it was impossible to locate with accuracy the 1864 riverbed and that therefore the award was void because of uncertainty.

STATEMENT OF HON. JOSEPH F. FRIEDKIN, U.S. COMMISSIONER, INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES-MEXICO

Mr. FRIEDKIN. Mr. Secretary, another reason related to the third type of river movement.

Mr. MANN. The third was equally technical. The United States urged that the undisputed evidence showed that in the flood of 1864 the river did not suddenly leave its banks and cut a new channel, as in avulsion. Rather, that it eroded at a very fast rate. The Commission's decision had created a third kind of river change, something between erosion and avulsion, which was unknown to international law, and we could not accept it.

The result of this was that the Mexicans from that time forward reduced their claim from the entire 600 acres lying in this area here, and relied entirely on the validity of the award to claim an indefinite area south of the 1864 channel. They proposed to the United States that we submit to the World Court whether the award was valid and whether we were bound by it. We in effect declined to do that on the ground that negotiation was necessary in any event, and we were already willing to negotiate.

We have been negotiating for 50 years and in the meantime people have moved into this area down in here, some 4,500 people. Property values of course have gone up. We were faced with a situation of not having lived up to the 1911 award, of not being willing to submit it to the World Court, and if we didn't move rather quickly, of finding ourselves soon in a position where we would never be able to give effect to the award because of the cost involved and the human problems of moving too many people.

This award could have been complied with fairly easily in 1911. This land was practically valueless at that time. When President Kennedy came to Mexico, the two Presidents agreed, reserving our juridical positions and without prejudice to them, to try to find some method of settlement that would not unduly prejudice the people that now live in El Paso.

The first question we worked on concerned the location of the 1864 river line. The Mexicans contended it might have run along this northern line, which would have given them 480 acres.

We contended that the river might have run along here, which would have given Mexico 394 acres of land. Actually, since the river has moved at one time or another all over this area, it was impossible, by test bores or anything of that kind, to tell where it was in 1864 precisely, the time before the flood.

It was remarkable that the Mexican engineers and ours were this close together, based essentially on calculations of the rate of movement over the years between 1852 and 1864 and later. After about

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6 months of discussion, including three trips I made to El Paso, when we really started out everything by consulting with the people on what would be good for their hometown, we arrived at this middle line. As you see, it is essentially midway between their engineers' calculations and ours, and would entitle Mexico to about 437 acres of land lying between this line here and the present riverbed.

This is the Chamizal lying in here. This part is still open fields. A big packinghouse is in here and is a nuisance to people on both sides of the river, because of the odors. There are a number of small houses in this area, some commercial properties in through here, and in through here some stores of considerable value.

Are there any questions about this part of it——

Mr. WHALLEY. Is that the relocated river line? What is the lowest line, way down below?

Mr. MANN. This is the present river.

Mr. WHALLEY. Where do you intend to make the boundary now?

Mr. MANN. We will show you clearly on this other map. The Franklin Mountains, on the map which you saw a moment ago, come down in this direction here. These are the railroads. This island here—it is called an island—is really a neck of land which has long been in Mexican possession. At one time the river actually ran around the island in this direction.

In about 1899 the then mayor of El Paso found that the river tended to flood the downtown area of El Paso as it came around these bends. After consulting both governments and getting their approval, he took some scrappers, mules, and men, and just cut an artificial channel through the base of this peninsula so that the river could flow straight and not flood El Paso.

Mexico then put up, in an agreement with us, some very large boundary markers. This area [pointing at Cordova Island] has never been settled by Mexico. It is still largely vacant. There are only one or two houses on it. Mexico built some bridges across here. We were concerned that this enclave, jutting into the heart of El Paso, which tends to narrow the bottleneck, would never be eliminated if it were settled.

As a part of the settlement it was agreed that we would split this island, in effect, half and half, and we would compensate for the land we received up here with an equal amount of territory down here.

Mr. WHALLEY. The 4,500 people are citizens of what country?

Mr. MANN. Of the United States. I believe all of them, certainly——

Mr. FRIEDKIN. Practically all.

Mr. MANN. They are of Mexican descent. Part of it is a slum area in El Paso. The result of the river change from along its present channel here to the proposed channel and new boundary up here you can see very clearly on this map. We didn't offer Mexico all of the 437 acres in the Chamizal proper. This was another issue that we worked on for 6 months, because the farther north we pushed the river at this particular point the more people would have been affected, the more expensive the settlement would have been.

Mexico did finally agree to take 366 acres, here in the Chamizal zone, and to take the remaining acreage of the Chamizal award downriver. This was one of the most difficult issues in the whole negotiation be-

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cause they said that "This is Mexican land. We don't want your land. We just want our land." We did have a problem of not bending the river in a way in which it wouldn't scour and operate properly. They finally agreed to the line you see here.

You can see the northern half of Cordova Island which will pass to the United States under the treaty and the total number of acres we receive in this exchange. We receive in this place here 193 acres. The 193 acres we transfer to Mexico in exchange, plus the difference between 437 and 366 make up the 264 acres they get down there.

This land in here by the way is sparsely settled and the houses are not too expensive. The advantages of the settlement to the people of El Paso are that they acquire unclouded title on nearly 200 acres here and by widening the bottleneck, they eliminate the necessity, in going from this part of town to that part of town, of having to go all around Paisano Drive, which you can see on this map, and hence the importance to the people of El Paso in having this right-of-way for a four- or six-lane highway, which would enable them to go more directly from this part of town downriver.

These are some of the features that appeal to the people of El Paso. The county government, the city government, the chamber of commerce, an international group, and both newspapers came out in favor of this in El Paso and said that they thought it was good for their hometown. I went to Houston later on, being a Texan myself, and talked to other newspaper editors. I think there was a general consensus that if the people of El Paso thought it was good for their town, other Texans should abide by their decision.

Another advantage to El Paso can be seen from the map. You can see where the river has been straightened, rectified down here, and then where it stopped at this point because of this particular dispute. The bridges, the whole area where international title was clouded, really couldn't be cleaned up. We couldn't work with the Mexican Government on straightening the river, providing flood control, and having a decent gateway to El Paso. The settlement will eliminate that problem. There will be new bridges replacing the six existing bridges. Two of these I think are railroad bridges?

Mr. FRIEDKIN. Yes.

Mr. MANN. And four are for vehicles.

Mr. FRIEDKIN. Two may be combined in one but——

Mr. MANN. There are two main entrances between El Paso and Juarez. How many people are living in the metropolitan area of both cities?

Mr. FRIEDKIN. About 600,000. And 30 million people cross the border at this point every year.

Mr. MANN. This area marked in red is where we will have new immigration, customs and health and other facilities. This area here will be a second port of entry into Mexico.

Mr. WHALLEY. What was the cost of the river improvements?

Mr. FRIEDKIN. For the river improvements, including the new bridges, total estimated cost is $6.4 million, which will be shared equally between the two Governments.

Mr. MANN. I might say, Mr. Congressman, that we are rather proud of the financial arrangements we made here. The cost of building the new bridges, the cost of digging the new channel, and so forth,

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are shared half and half. Our bill is higher than theirs largely because we have to condemn more land and the money that you would be appropriating goes almost entirely to people who own property, land or houses, that we are evacuating in this area here and here.

It is for the cost of condemnation proceedings, as you say, minus the $3-million-odd it takes to move the channel and build the bridges.

Mr. WHALLEY. How about the cost of the new road you are talking about? Who pays for that?

Mr. MANN. That is not before the committee now except in a sense in terms of a right-of-way, which must be acquired for the river levee. The highway has to go through the Bureau of Public Roads.

Mr. FRIEDKIN. This is under study now by the Bureau of Public Roads.

Mr. SELDEN. Mr. Secretary, as former Ambassador to Mexico and now Assistant Secretary of State, do you feel the settlement of this Chamizal question will make it easier for us to settle any other difficulties we have with Mexico?

Mr. MANN. Yes, I think this opens up the way to the settlement of other things that have been tied to it. It certainly takes away from the Communists in Mexico their most effective propaganda argument against the United States, that we don't live up to our treaties, that we not only took roughly half of Mexico in 1848, but we are welching on a 437-acre tract of land that was awarded by arbitration.

It also puts us in a consistent position. I feel very strongly about this myself. If we are going to insist that other countries live up to their treaty obligations, I think we have to live up to ours. We have a lot to gain by a respect for agreements and respect for our treaty obligations, while we are insisting that other nations live up to theirs.

Mr. SELDEN. Is the bill that was passed by the Senate and now before this committee fully in accord with the recommendations that have been made by the Department of State and does it carry out all our agreements with Mexico and also with the city of El Paso?

Mr. MANN. It does, with the exception of the city of El Paso, as I stated in my statement here. I did tell the people of El Paso that, while I couldn't commit the Congress, I would recommend to the Congress for its consideration the construction of this highway along here. Since I was in El Paso, they have come up with two other projects, which are not included in the bill before the committee—for the improvement of the Franklin Canal and for the establishment of a park area in through here, a Federal park area. These, of course, are for the decision of Congress.

I would hope, since this is one of our principal gateways, that the Congress would do whatever is right and fair and reasonable because the city does lose 437 acres of land, but probably not much in tax revenue because the value of this land is much greater than the value of the land we are giving up.

At least they would not be too far apart, would they, Commissioner?

Mr. FRIEDKIN. They would be in the same general order of magnitude. This would be a determination by the city.

Mr. MANN. I am not sure myself what the city wants. Some of the people want low-cost housing. Some of the people in the Chamizal would like low-cost housing there. Some people would like a Federal park.

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When I was there the city of El Paso thought about selling it so it would produce tax revenues. This I think is for the future and partially for Congress and partially for the city of El Paso to work out, possibly with the State of Texas.

Mr. SELDEN. As you pointed out, that question is not before the committee.

Mr. MANN. No.

Mr. SELDEN. Mr. Mailliard.

Mr. MAILLIARD. No questions.

Mr. SELDEN. Mr. Whalley.

Mr. WHALLEY. Has the city of El Paso OK'd this new plan?

Mr. MANN. We believe so, sir.

Mr. SELDEN. Mr. Morse.

Mr. MORSE. Just one or two questions: As to the other costs involved, the Department will come back and recommend to the Congress, I infer, the cost of the road along the levee, for example?

Mr. MANN. In the bill we do have a right-of-way for that, as required for the river levee.

Mr. MORSE. In your agreement with the municipal government of El Paso has the Federal Government committed itself to building this road?

Mr. MANN. No.

Mr. MORSE. Is there any understanding we should?

Mr. MANN. No, sir.

Mr. FRIEDKIN. There is the understanding that we will support it.

Mr. MANN. I couldn't commit the Secretary of State. I said I would do what I have done here today; say I think it is fair and desirable for the reasons I set out in my statement here, that the committee consider this at the appropriate time.

Mr. MORSE. The total appropriation that will be authorized by this convention is $39 million; is that right?

Mr. FRIEDKIN. $44.9 million is the maximum ceiling which is provided in the bill.

Mr. MORSE. What other costs may come before Congress in connection with the Chamizal?

Mr. FRIEDKIN. There would be the cost of the building of the highway.

Mr. SELDEN. That will not come through this committee.

Mr. MORSE. I understand.

Mr. FRIEDKIN. There would be the cost of relocation of a Federal irrigation canal which is under study by the Bureau of Reclamation at this time. What the final estimate will be, I do not know. There would be the cost, if the Congress approves, of a national memorial park to be located here which the Park Service now has under study and for which it is developing estimates and justifications.

Mr. MORSE. Do you have any order of magnitude figure for these items?

Mr. FRIEDKIN. No; I do not.

Mr. MORSE. I think Secretary Mann and everyone else working on this have done an outstanding job. Thank you, sir.

Mr. SELDEN. Mr. Farbstein.

Mr. FARBSTEIN. No questions at this time.

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Mr. SELDEN. Mr. Secretary, you seem to have covered the subject well. We want to thank you for coming before the committee today. As you know, Mr. Friedkin was here yesterday and went into some of the other details. Also, the committee had an opportunity to question him rather thoroughly.

Mr. Secretary, we will be very happy for you to stay. However, I know you have a busy schedule and perhaps you would like to leave. I would like to have the committee stay, as we have an additional witness.

I might say to the committee off the record——

(Discussion off the record.)

Mr. SELDEN. The Secretary wants to make a short statement.

Mr. MANN. The Congressman asked me what truth there is in newspaper reports today that we are close to an agreement with Panama. I regret to say that we are not any closer now to an agreement with Panama than we were before. We are not any closer to an agreement with Panama than we were 2 weeks ago.

Mr. SELDEN. Mr. Secretary, thank you very much.

Mr. MANN. Thank you very, very much. Thank all of you.

(A short recess was taken.)

Mr. SELDEN. I would like to ask Mr. Schupp, a member of the staff, if we have had any additional requests for anyone to be heard in connection with this legislation?

Mr. SCHUPP. The only one we have had a request from is Mr. Gonzalez.

Mr. SELDEN. He will be our next witness. I might point out to the members of the subcommittee who were not here yesterday that the treaty was confirmed by the Senate with only one dissenting vote. S. 2394, the bill we are now considering, passed the Senate unanimously.

STATEMENT OF T. R. MARTIN, OFFICE OF MEXICAN AFFAIRS, BUREAU OF INTER-AMERICAN AFFAIRS, DEPARTMENT OF STATE

Mr. MARTIN. Sir, on the vote on the bill in the Senate, we were informed yesterday we should have said it passed by voice vote, without a record of opposition.

Mr. FRIEDKIN. No objection.

Mr. SELDEN. There were no recorded votes against it in the Senate?

Mr. FRIEDKIN. That is right.

Mr. SELDEN. While we are waiting for Mr. Gonzalez, do the subcommittee members have any questions they would like to ask Mr. Friedkin? He is very familiar with all the technical details such as what is going to be done as far as construction of the channel, the moving of the population of that area to other areas, the compensation, and so forth. He has all this information available, and, if any of you would like to ask him any questions while we are waiting for Mr. Gonzalez, I am sure he would be very pleased to answer the questions.

Mr. WHALLEY. Do each country's citizens remain the citizens of the country?

Mr. FRIEDKIN. By the terms of the treaty itself, the citizenship of residents of the area will not be affected. They will continue to be U.S. citizens.

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Mr. MORSE. They will be displaced.

Mr. WHALLEY. They will be moved——

Mr. FRIEDKIN. They will remain in the United States and they would move elsewhere in the United States.

Mr. MORSE. They are not going to remain in Mexico?

Mr. FRIEDKIN. No. The treaty provides that before the change in line would become effective that the property owners in the area would be paid by the U.S. Government and would be given the opportunity to move, and this would have to be done before the new boundary line would become effective, before any transfer of lands.

Mr. MORSE. How long do you think it will take to effect this?

Mr. FRIEDKIN. Four years for the program; probably 3 years to acquire the land, and give people an opportunity to move, and an additional year for the relocation of the river channel. I might mention, as Secretary Mann has, that we feel that this settlement should be symbolized by improvements to enhance the area. Let me mention that on the Mexican side, Mexico has really quite a large program for improvement of the area. In fact, they have already started [referring to map].

They have a museum and a large community center in this area. They plan a park and a development to beautify the Mexican border. The brochures that you have before you are similarly designed as a basis to improve the area on the U.S. side of the settlement.

As was mentioned, the development here of a national memorial park is under study by the National Park Service. There is proposed a relocation of the canal. It is located in this area here. There have been 110 lives lost in the open canal but it has not been possible to relocate the canal because of the disputed area and because it would have to be alined around this large enclave.

With this settlement it becomes possible. The third feature is a highway. Mexico is planning a highway along its side to make this a real boulevard with a boundary and the river between.

Mr. WHALLEY. What is the length of the area marked in green?

Mr. FRIEDKIN. 4.3 miles, sir, the length of the new river channel.

Mr. SELDEN. We also have with us this morning as a witness Representative Gonzalez, of Texas. Mr. Gonzalez, you are recognized.

STATEMENT OF HON. HENRY B. GONZALEZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. GONZALEZ. Thank you, Mr. Chairman. First let me apologize for being late. I had to be over in my own subcommittee because of a bill coming up. If it is all right with the committee and for the sake of making up for the time I caused you to lose here, I can give you a copy of this prepared statement, leave it with you for the record.

Mr. SELDEN. Without objection, it will be made a part of the record at this point.

(The statement referred to is as follows:)

STATEMENT OF HON. HENRY B. GONZALEZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. Chairman and members of the committee, I deeply appreciate the opportunity to appear before your committee to testify in support of S. 2394, to facilitate compliance with the convention between the United States of America and the United Mexican States for solution of the problem of the Chamizal.

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By now it is well known that the Chamizal Treaty cedes to Mexico 437 acres in the El Paso area of Texas and settles a thorny 99-year-old dispute. The settlement of this problem promises to pave the way for a new era of American-Mexican relations unburdened by even a hint of expansionism or a lack of desire for peace and justice by one side or the other.

This bill is necessary to implement the treaty and to compensate the property owners and tenants who will be dispossessed as a result of the Chamizal settlement. It is estimated that the moneys appropriated under the law will be adequate to compensate the people and the established businesses that will have to leave their homes, residences, and places of business to relocate in other areas. The bill was introduced on December 17, 1963, before the treaty was ratified, and some support for ratification was based upon the pendency of this legislation. The passage of this law will therefore be an act of keeping faith by the U.S. Government, so that money will be appropriated for the acquisition of the properties located in the area which will be in Mexico under the treaty.

It is a good bill and will be a fair law. It provides for just compensation to those persons who are entitled to it. It is within the spirit of the due process clause of the Constitution and the nature of the American people who believe in fairplay.

As you know, the Chamizal Treaty was initiated and entered into by President Kennedy and completed by President Johnson. It constitutes a matter of tremendous moment, exceeding by far the actual amount of land involved. It is perhaps without precedent in this century. For in the divided world of today, where the guiding principles of the Communist bloc are almost exclusively based on power politics, powerful nations do not ordinarily sit down with weaker ones, listen to their demands, negotiate and grant their just requests. Border controversies have often resulted in armed aggression. And in such disputes the larger fishes usually gobble up the smaller ones. But this is not the American way.

The entire world needs to know of the Chamizal Treaty. The actions of the United States in negotiating and carrying out this settlement with our neighbor to the south reveals the falseness and the baseness of the charges of the Communists, the demagogs and our other enemies that we are not a freedom-loving and peace-loving Nation. The United States has actively sought peace and friendship, and will continue to do so within the bounds of reason and national security. The Chamizal Treaty is a testament to this.

Mr. GONZALEZ. Essentially the point I want to make is, this is an important bill. Many of us are interested, even though we are not living in the direct area affected. We have had similar circumstances over in our section and along the closer border points to my district, and so I also feel that the United States has done something here that is of tremendous significance and importance because it certainly puts a very definite and articulate stamp of life on the charges that have been made that the United States is imperialistic, is unwilling to consider just grievances because here it has without any particular pressure, without the necessity of any untoward events, and it has certainly shown that the United States is justice loving and does seek and do justice.

I would also like to say that on page 5 of this bill you will recognize in here something of extreme importance, just a plain average hope. Here the bill recognizes the standards or criteria to be used in establishing the compensation for the properties that many humble people will be losing. It says that—

For nonconforming abodes and minimum forms of shelter for which there are no comparable properties on the market in the city of El Paso and concerning which fair market value would be inadequate to find minimum housing of equal utility, compensation to the owner up to an amount which when added to the market value allowed for his property, including land values, would enable purchase of minimum habitable housing of similar utility in another residential section of said city.

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This is a tremendously significant section of this bill. When the Falcon Dam was constructed downstream in Zapata County, for many years, even until now, I heard and met with many of the descendants of the original landowners going back over 150 years that Mexico in compensating the people dispossessed on account of the construction had built an entirely new city and had found homes and properties for those displaced.

Whereas on our procedural methods, and in the condemnation proceedings used, and in the compensation for properties, we had not had anything to compare. I feel that many dislocations and some injustices that resulted would have been avoided if we had had this procedure set forth in this bill.

I want to compliment you for entertaining it. I would like to, as one individual, emphasize its importance because it is keeping faith with the treaty entered into between the United States and Mexico and otherwise say that I believe it is a very good bill. We are very happy to see it and would like to urge its adoption and your consideration of it.

Mr. SELDEN. Thank you, Mr. Gonzalez.

Mr. FARBSTEIN. Thank you for the statement, Mr. Gonzalez. I am very pleased to know that in your opinion the reaction of our neighbor will be very salutary which, of course, is something that we have been seeking throughout the entire world.

In reading this compensation paragraph there is the suggestion that there will be a utility in another residential section of the city made possible for the one who is displaced. Is it the intention that a person or the family or householder who is displaced shall be placed in another similar section?

Mr. GONZALEZ. I would interpret this to mean that the displaced person would be at least relocated in a place not inferior to that from which he is being displaced—habitable.

Mr. FARBSTEIN. As you have it here, as the language reads, it "would enable the purchase of minimum habitable housing of similar utility in another residential section." You don't say in "another similar residential section."

I don't think you mean that a family or a person removed from a very high class neighborhood shall be caused to go to a very deteriorated neighborhood. Neither do I think you intend that a person in a deteriorated neighborhood would be transferred to a high-class neighborhood.

Mr. SELDEN. Mr. Friedkin, you may answer that question.

Mr. FRIEDKIN. You are absolutely correct. They would be compensated to the extent that they would go to a place of their own choosing.

Mr. FARBSTEIN. I anticipate that is your answer. The only reason I raise the question is perhaps there should be a word in the language here saying "habitable housing of similar utility in another similar residential section of the city."

Mr. FRIEDKIN. Yes, sir; bearing in mind where they move to is entirely voluntary to the property owner. He can even go to a place of his own choosing.

Mr. SELDEN. Off the record.

(Discussion off the record.)

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Mr. FARBSTEIN. I don't want to be too technical. But under this language, supposing instead of living where they are here they want to move to 5 or 10 miles from here, where the values of the land and building values are two or three times that of the premises they are being displaced from or evacuated. Don't you think, therefore, there should be some circumscription of the type or manner or residence to which they should be moved?

That is the only question I raise. You say, "Yes." If this is so, don't you think that there should be some language in the bill to designate that distinction?

Mr. FRIEDKIN. Let me try to explain it this way, if I may, sir. In each of these cases our real estate advisers, our real estate people on our staff, would make a survey and determine where there are houses of like utility elsewhere in the city. They would determine the houses which are most nearly similar to those of the owners that would be displaced. They would be compensated by an amount over and above the value of their ownership such that they could purchase a minimum place of like utility.

The only place these houses of like utility are located are in similar areas——

Mr. FARBSTEIN. But don't you see, you are giving yourself a possible lawsuit as I see it, because supposing a man says "Well, now, according to the language of this bill, I will take the same building but I want this in another section." There is nothing here to say the type of section that this property can be removed to because it says "similar utility" but doesn't say anything about a similar residential section. So you may involve yourself with a lawsuit.

Mr. GONZALEZ. At the outset we define "nonconforming abodes" which I suppose would be subject to similar interpretation——

Mr. FARBSTEIN. There is nothing dealing with a description of the land.

Mr. GONZALEZ. In the last line you have "minimum habitable housing of similar utility"——

Mr. FARBSTEIN. In another residential section. But it doesn't say "similar residential." You get my point? That is the only point I seek to make.

Mr. FRIEDKIN. I think as a practical matter, sir——

Mr. FARBSTEIN. That is all right with me, if you think it is good enough. I just want to point out you may avoid lawsuits by putting in the word "similar."

Mr. MAILLIARD. A lawyer wants to avoid lawsuits.

Mr. GONZALEZ. Gentlemen, thank you very much.

Mr. SELDEN. Are there any further questions any member would like to ask Mr. Gonzalez?

We appreciate your coming, sir, and your statement will be made a part of the permanent record.

Mr. BECKWORTH. It is a good statement. Mr. Gonzalez.

Mr. SELDEN. Gentlemen, I would like for you to remain if you will, and we will go into executive session to consider this legislation.

(Whereupon, at 11:07 a.m., the subcommittee proceeded in executive session.)

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88TH CONGRESS } SENATE { EXECUTIVE
1st Session } { N

CONVENTION WITH MEXICO FOR SOLUTION OF THE PROBLEM OF THE CHAMIZAL

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES FOR THE SOLUTION OF THE PROBLEM OF THE CHAMIZAL, SIGNED AT MEXICO CITY ON AUGUST 29, 1963, BY THE RESPECTIVE PLENIPOTENTIARIES OF THE TWO COUNTRIES

OCTOBER 7, 1963.—Convention was read the first time and, together with the message and accompanying papers, was referred to the Committee on Foreign Relations and was ordered to be printed for use of the Senate

THE WHITE HOUSE, *October 7, 1963.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the convention between the United States of America and the United Mexican States for the solution of the problem of the Chamizal, signed at Mexico City on August 29, 1963. This convention represents what I believe to be as fair a settlement as can be negotiated of this boundary dispute which goes back almost a hundred years, and which for more than 50 years has seriously disturbed relations with our neighbor to the south.

The provisions of the convention are explained in the report of the Secretary of State transmitted herewith. Under the convention the two Governments would relocate the Rio Grande in the vicinity of El Paso. The centerline of the relocated river channel would be the international boundary. This results in the transfer from the north to the south of the river a tract of 823.5 acres. Taking into account that Mexico now has under its jurisdiction 386.32 acres north of the

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river, the net area transferred to Mexico would be 437.18 acres. The present Mexican territory north of the river, known as Cordova Island, is an enclave jutting into El Paso contiguous to and downstream from the disputed Chamizal zone, and the enclave would be eliminated by the relocation of the river. The net 437.18 acres transferred to Mexico is the amount of the Chamizal zone now concluded to have been awarded to Mexico by the 1911 international arbitration commission. In order to disturb as little as possible the community of El Paso which has, of course, gradually expanded into the disputed zone, only 366 acres of the net amount being transferred to Mexico would be taken out of the Chamizal zone. The remaining 71.18 acres of the net amount transferred would come from an area contiguous to and downstream from Cordova Island. In the relocation of the river the United States would receive from Mexico 193.16 acres of Cordova Island, for which the United States would transfer to Mexico an equal area also from the lands just below Cordova Island. Looking downstream then, the 823.5 acres would consist of 366 acres of the Chamizal zone, 193.16 acres in the southerly part of Cordova Island already belonging to Mexico, and 264.34 acres to the east of the island. The lands to be transferred from U.S. jurisdiction would pass free of private title or encumbrances of any kind. The river boundary would thus be restored in the vicinity of El Paso, and the 1911 award would thus be given effect in today's circumstances.

The settlement is fair to the United States. The United States would in effect implement the award as it obligated itself to do in the 1910 arbitral convention. At the same time this Government at the time of signing the present convention reserved its juridical position with respect to the 1911 award. The settlement is also fair to the United States in that the net area transferred does not all come from the Chamizal zone. The new boundary would be drawn to exclude as much highly developed land as practical and to inconvenience as few people as possible. One-third of the lands transferred to Mexican jurisdiction are still agricultural or stockyards. Actually, the net number of acres involved is small in comparison with the thousands of acres already transferred between the two countries as a consequence of river movements.

The new line also seems to be fair to the Government of Mexico. While it does not receive all the awarded area from the Chamizal zone, it receives all the area in one cut from the city of El Paso. It does not receive all the acreage that has at times been claimed, but it does receive the amount awarded to Mexico, so far as engineers of both countries could reasonably determine based on the best data available.

In addition to removing a very real cause of irritation in relations between the two countries, the settlement offers advantages to El Paso, to Texas, and to our whole country.

The people of El Paso will now know where the boundary is going to be, and titles to the lands in the Chamizal zone remaining in the United States will be clarified.

The channelized river itself will present an aspect of orderliness and beauty that should enhance the nearby area.

The development of El Paso, especially so far as traffic circulation and the location of public utilities are concerned, will be improved with the incorporation into El Paso of a part of Mexico's Cordova Island.

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Settlement of the dispute will at last permit execution of international flood control measures indispensable for the proper protection of this rapidly growing city.

The international bridges at El Paso are to be replaced with structures in fuller harmony with the needs of the over 600,000 people who live in the El Paso-Ciudad Juarez area.

Of the four States of the United States bordering Mexico, the State of Texas has the longest portion of boundary and the most extensive system of commercial, cultural, and other relations with Mexico. Amiable relations with Mexico and economic and political stability and growth in Mexico are of paramount importance to Texas. Texas will be a principal beneficiary of the improved attitude in Mexico resulting from a satisfactory settlement.

For the country as a whole, the Chamizal dispute as an emotional issue in Mexico, which distorts what otherwise might be a favorable view of the United States, would be resolved.

All this must not obscure the advantage of an example to the entire world of a large country settling a significant territorial dispute with a smaller country in a spirit of the sincerest good will.

I would not wish to appear to underestimate the cost of this settlement. More than 3,000 people in El Paso will have to be moved from their homes and businesses with attendant economic and social problems. In the end it may cost more than $20 million, depending on the decisions the Congress makes on several major domestic aspects of the proposal. In the several attempts at settlement in recent years, each successive proposal would have involved more people and have cost more money than the previous proposal. Any further attempts must be expected to follow this pattern. This is the first time the Government of Mexico has agreed to terms that this Government could accept. I believe we should incur this cost, because the charge against us for not having abided by the award is grave, and the settlement proposed is fair both to our neighbor and to ourselves.

I strongly recommend that the Senate of the United States advise and consent to the ratification of the convention as promptly as practicable and in the course of this year if at all possible.

JOHN F. KENNEDY.

(Enclosures: (1) Report of the Secretary of State; (2) convention with Mexico for solution of the problem of the Chamizal.)

DEPARTMENT OF STATE,
Washington, September 19, 1963.

THE PRESIDENT,
The White House.

I have the honor to submit to you, with the recommendation that it be transmitted to the Senate for advice and consent to ratification, the convention between the United States of America and the United Mexican States for the solution of the problem of the Chamizal, signed at Mexico City on August 29, 1963, by the respective plenipotentiaries of the two countries.

An international arbitral commission awarded to Mexico in 1911 an undeterminable part of the Chamizal zone in El Paso, Tex. The area of the zone then totaled approximately 598 acres. The Mexican claim was based on a shift in the channel of the Rio Grande. The

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U.S. Government, which had disputed the claim, rejected the award on several grounds, but in the understanding that the Governments of the two countries could proceed at once to settle their differences through diplomatic channels. This proved to be impossible, however, because of revolutionary conditions in Mexico, which resulted in long and widespread turmoil in that country and strained relations between the two Governments for more than a decade. By 1925, when settlement of the dispute could be seriously resumed, the controversy had become a major problem in our relationship with our southern neighbor, and it has remained so ever since. Every U.S. administration beginning with that of President Taft attempted to resolve it in a mutually satisfactory manner. Proposals for a settlement have varied and every practical means of settling the matter is believed to have been explored by the Governments at one time or another. In June 1962 President Lopez Mateos urged that a further attempt be made. You and President Lopez Mateos instructed your respective executive agencies to recommend a complete solution which, without prejudice to the juridical positions of the two Governments, would take into account the entire history of the tract. You recognized that any mutually acceptable settlement would affect many people in the city of El Paso, and both you and President Lopez Mateos agreed that respect for the rights and interests of the people affected on both sides of the border should be a principal consideration in reaching a solution. The reservation of juridical positions and recognition in advance that the interests of the two local communities must be taken fully into account can be said to have enabled a settlement.

Under these instructions the Department of State, through Ambassador Thomas C. Mann at Mexico City and U.S. Commissioner Friedkin on the International Boundary and Water Commission, proceeded to attempt to reach agreement with the Mexican Ministry of Foreign Relations, on mutually acceptable terms of settlement. After extensive negotiations in which both Governments evinced exemplary good will and conciliatory postures, the Department of State and the Ministry of Foreign Relations submitted to you and the President of Mexico a recommended settlement, which would follow generally the solution set forth in the international arbitral award of 1911 by transferring to Mexico some 437 acres in the vicinity of El Paso. Both you and President Lopez Mateos approved the proposed terms of settlement on July 18 of this year, and they have now been incorporated in the attached convention.

An important consideration in the settlement is the firm intention of the two Governments, in accordance with the treaties of 1848 and 1853, to maintain the Rio Grande as the boundary between the two countries. Maintenance of the Rio Grande as the boundary was an objective of the so-called Banco Treaty of 1905, under which thousands of acres, formerly on the U.S. side of the river, have been transferred to Mexican sovereignty as shifts in the channel placed them on the Mexican side of the river, and other thousands of acres, formerly on the Mexican side, have been transferred to U.S. sovereignty as they were shifted by river movements to the U.S. side. Under a 1933 treaty the river just below El Paso was straightened and stabilized. In that process the two countries exchanged over 10,000 acres in order that the river might remain the boundary.

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In the recommended Chamizal settlement, similar transfers of territory are involved, and the same problem of maintaining the river as the boundary arises. Since 1899 an enclave of 386 acres, known as Cordova Island and under the jurisdiction of Mexico, has jutted north of the river into El Paso. The transfer to Mexico of additional acres in a Chamizal settlement would have augmented the amount of territory under Mexican jurisdiction north of the river. The two Governments agreed, therefore, that in any settlement the Rio Grande should be relocated, completing the 1933 stabilization program and restoring the river as the international boundary in the reach of the river at El Paso.

The convention consists of a preamble and 12 articles.

The preamble recognizes the remarkable spirit of good neighborliness with which the two adjoining countries have approached their common problems, and the desire of both Governments to give effect to the 1911 arbitration award in today's circumstances and in keeping with the limitations agreed upon in advance by the two Presidents. It also mentions the need to extend through the cities of El Paso and Ciudad Juarez the improvement of the channel of the Rio Grande already provided by the 1933 convention for the 80-mile reach of the river just below them.

Article 1 provides that the Rio Grande shall be relocated in the El Paso-Ciudad Juarez sector along an alinement developed by the International Boundary and Water Commission and shown on an attached map.

Article 2 states that this alinement shall transfer from the United States to the Mexican side of the river 823.50 acres. There would be a net transfer to Mexico of 437.18 acres representing the acreage now accepted by both Governments as that awarded to Mexico in 1911. The 823.50 acres would consist of 366 acres from the Chamizal tract, 193.16 acres from the enclave known as Cordova Island already belonging to Mexico, and 264.34 acres east of Cordova Island. The last acreage represents 193.16 acres being exchanged for the equal area of Cordova Island which would be transferred by Mexico to the United States, and 71.18 acres which is the balance of the net transfer of 437.18 acres to Mexico not taken from the Chamizal zone. The relocation would thus leave 193.16 acres of Cordova Island north of the river which would pass to the United States.

Article 3 establishes the centerline of the new river channel as the international boundary, each Government thereby renouncing any claim to territory on the opposite side of the relocated channel.

Article 4 provides that the lands transferred from one jurisdiction to another shall be free of any private titles or encumbrances, and recognizes that no payments are being made by one Government to the other for any of the lands transferred.

Article 5 provides, however, that the Federal Government of the United States shall receive payment for the estimated value to Mexico of the structures passing intact to Mexico from a specified Mexican banking institution, to which the Mexican Government will convey title to the structures and the lands on which they stand. This payment is to be made before the lands are transferred to Mexico, and the two Governments have agreed by an exchange of notes to accept $4,676,000 as the value to Mexico of these structures.

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Article 6 requires the two Governments, after the convention has entered into force and the necessary legislation has been enacted for carrying it out, to determine, on the basis of a recommendation by the International Boundary and Water Commission, the period of time appropriate for the Government of the United States to acquire the properties to be transferred to Mexico or needed for relocation of the river and for the orderly evacuation of the occupants from those properties.

Under article 7, when this acquisition has been accomplished and the occupants evacuated, and when the Mexican bank, Banco Nacional Hipotecario Urbano y de Obras Publicas, S.A., has paid the United States for the structures passing intact to Mexico, the International Boundary and Water Commission will proceed to demarcate the new international boundary, the demarcation to be recorded in the form its decisions customarily take, known as a minute. The relocation of the international boundary shall take place when this minute is approved by the Department of State and the Mexican Ministry of Foreign Relations.

Article 8 obligates the two Governments to share equally the costs of constructing the new river channel, except that each Government must bear the costs of the structures or improvements which, in relocating the river channel, must be destroyed on the territory under its jurisdiction prior to relocation of the boundary. The equal division is based on the assumption that the two countries benefit equally from the maintenance of the river as the boundary.

Article 9 assigns to the International Boundary and Water Commission responsibility for relocating the river, constructing the new bridges across it that would be required to replace existing bridges, and the maintenance and improvement of the river channel from the point where the new channel would begin on the east to the point where the river meets the land boundary on the west. This should insure execution of the international engineering aspects of the convention in a harmonious manner, and provide badly needed flood control in this reach of the river.

Article 10 deals specifically with the new bridges. It provides for replacement of existing bridges, and obligates each Government to share equally in the cost of the new bridges as in the cost of the new channel they will cross. In order to disturb present traffic patterns as little as possible, it is agreed that the two privately owned highway bridges will be replaced on the same streets where they now are. Two other bridges are railway bridges which will be relocated in accordance with the requirements of the railroads. Agreements now in force relating to these four bridges will be applicable to the new bridges. The last two of the six bridges to be replaced are owned by the Mexican Government and presently connect the Mexican Cordova Island north of the river with Mexican territory south of the river. Their replacement by one or two bridges would continue to provide a second international border crossing point at El Paso and Ciudad Juarez which has become so important since it was first opened in 1959. While the Boundary Commission may determine the locations of the last new bridge or bridges, they are to be toll free like the present Mexican bridges unless both Governments agree to the contrary.

In order to preclude any uncertainties with respect to applicable law as a result of the exceptional circumstances in this situation,

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article 11 provides that the relocation of the boundary shall not affect in any way the citizenship status of present or former residents of the areas being transferred from one country to the other, jurisdiction over legal proceedings pending at the time of transfer or earlier decided, jurisdiction over acts or omissions having to do with these areas prior to their transfer, or the law or laws applicable to these acts or omissions.

By article 12 the convention shall enter into force upon the exchange of the instruments of ratification at Mexico City.

Attached and made a part of the convention is a minute of the International Boundary and Water Commission which additionally would govern the engineering aspects of the new channel and the manner of executing the convention. The new channel would be concrete-lined, with a cross section as narrow as compatible with the capacity required to carry the design floodflow. It would be approximately 4.3 miles long. The Commission finds that the new alinement would not cause a significant rise in flood stages, and that water elevations for the design flood would actually be lower in the new channel than in the present channel because of reduction of friction in a concrete-lined channel. Such a channel also would require considerably less width of right-of-way through the high-cost urban areas than would an unlined channel. The new channel would have check structures to provide a minimum depth of water of 6 feet or more. In accordance with the minute, the Commission would undertake the construction of the new bridges at the earliest practicable date after enactment of enabling legislation, as well as such portions of the new river channel as might be feasible and desirable. The U.S. section of the Commission would attempt to reach agreement with local authorities in the United States for local operation and maintenance of the U.S. parts of the toll-free bridges.

The minute estimates that the cost of relocating the river channel would amount to $6,400,000. A breakdown of this figure appears on the preliminary plan attached to the minute. Half of this, the U.S. share, would be $3.2 million. In addition, the United States would have the cost of acquiring the lands to be transferred to Mexico and those required on the U.S. side for the new channel, preliminarily estimated at $21.7 million, and the cost of relocating railroads in this area, estimated at $3 million. The total appropriation that would be required to implement the convention, therefore, would probably be a minimum of $28 million.

The United States will, however, receive from a Mexican banking institution $4,676,000 for the structures passing intact to Mexico. The portion of Cordova Island acquired by the United States is estimated to have a value in excess of $5 million. Only one-third may be necessarily required for levees, streets, and other similar uses. Possibly receipts in the settlement might, therefore, reduce the net minimum cost to about $20 million. On the other hand, the Department believes that in the extraordinary circumstances where a portion of our territory is being acquired for transfer to a foreign country, every reasonable consideration should be shown for those occupants of the territory who must give up their homes or businesses, and for the city of El Paso which will lose a net 437.18 acres. The Department is carefully studying the circumstances that might justify special consideration in the individual cases involved and will make a subsequent report to the Congress in this matter.

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I believe that the Chamizal settlement proposed in the convention, with due regard to the potential cost, is very much in the interest of the United States. In negotiating it, the Department was confronted with a long history which limited our freedom of action. There was, to begin with, the award of 1911 which ruled against the U.S. position. Second, the very fact that in the note which informed the Mexican Government in 1911 of our not being able to accept the award, and in the numerous subsequent attempts at settlement of this perplexing controversy, the United States has again and again offered to adjust the boundary at El Paso, has tended to reduce the issues between the two Governments to the primary question of how many acres are to be transferred to Mexico and in what location in El Paso. When the Department entered upon the current negotiation it was clear that any settlement acceptable to Mexico would require the transfer of lands at El Paso. Third, since the Mexican Government had not in recent years deviated from the position that these lands must come to all practical extent from the Chamizal zone, it was also certain that a great segment of any lands transferred would have to come from that zone. The Government of Mexico had already rejected offers of compensation or compensatory exchange for lands in other areas.

The major reasons for sanguine expectations in the negotiation were the willingness of the two Governments to accept a reservation of juridical positions, and the concern of both that a settlement have as little adverse effect as possible on the two local communities so vitally involved. These proved to be the key to the settlement. As a matter of record, by an exchange of notes on the date of signature of the convention, the two Governments referred to further discussion of their juridical positions, and each Government again reserved its juridical position with respect to the arbitral award of 1911.

The two Governments had the advantage of the technical advice of the highly trained and long experienced Commissioners on the International Boundary and Water Commission. In these circumstances the Department and the Mexican Ministry of Foreign Relations were able to agree on a line for relocation of the Rio Grande which would require removal of a minimum number of people and commercial enterprises in El Paso, and at the same time transfer to Mexico the acreage which the Commission concluded had probably been awarded to Mexico in 1911. This is the explanation for the description of the settlement as giving effect to the 1911 award in today's circumstances. That the United States at the same time acquired some 193 acres from territory under Mexican jurisdiction was a fortuitous and fortunate circumstance resulting from the determination of the two Governments to maintain the river as the boundary.

The settlement offers advantages for El Paso and Texas with which you are familiar.

The Secretary General of the Organization of American States expressed immediately on learning of the proposed settlement what the settlement means in inter-American relations by writing of his "deepest satisfaction that those two great American democracies show their firm determination in solving by peaceful means any controversies arising between them." He considers that "such a paramount example of international good behavior honors the parties to the

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settlement and demonstrates to Americans of all latitudes how much can be accomplished when there is good will, inspired by the letter and the spirit of the Charter of the Organization of American States." Before the entire world the settlement is a major contribution in the peaceful settlement of boundary disputes. It evinces a regard for the responsibilities of the good neighbor that far exceeds the effect of words.

It is important that the United States ratify this convention as promptly as practical.

Respectfully submitted.

DEAN RUSK.

(Enclosure: Convention with Mexico for solution of the problem of the Chamizal.)

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES FOR THE SOLUTION OF THE PROBLEM OF THE CHAMIZAL

The United States of America and the United Mexican States:

Animated by the spirit of good neighborliness which has made possible the amicable solution of various problems which have arisen between them;

Desiring to arrive at a complete solution of the problem concerning El Chamizal, an area of land situated to the north of the Rio Grande, in the El Paso-Ciudad Juarez region;

Considering that the recommendations of the Department of State of the United States and the Ministry of Foreign Relations of Mexico of July 17, 1963, have been approved by the Presidents of the two Republics;

Desiring to give effect to the 1911 arbitration award in today's circumstances and in keeping with the joint communique of the Presidents of the United States and of Mexico issued on June 30, 1962; and

Convinced of the need for continuing the program of rectification and stabilization of the Rio Grande which has been carried out under the terms of the Convention of February 1, 1933, by improving the channel in the El Paso-Ciudad Juarez region,

Have resolved to conclude a Convention and for this purpose have named as their Plenipotentiaries:

The President of the United States of America, Thomas C. Mann, Ambassador of the United States of America to Mexico, and

The President of the United Mexican States, Manuel Tello, Secretary for Foreign Relations,

Who, having communicated to each other their respective Full Powers, found to be in good and due form, have agreed as follows:

ARTICLE 1

In the El Paso-Ciudad Juarez sector, the Rio Grande shall be relocated into a new channel in accordance with the engineering plan recommended in Minute No. 214 of the International Boundary and Water Commission, United States and Mexico. Authentic copies of the Minute and of the map attached thereto, on which the new channel is shown, are annexed to this Convention and made a part hereof.

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ARTICLE 2

The river channel shall be relocated so as to transfer from the north to the south of the Rio Grande a tract of 823.50 acres composed of 366.00 acres in the Chamizal tract, 193.16 acres in the southern part of Cordova Island, and 264.34 acres to the east of Cordova Island. A tract of 193.16 acres in the northern part of Cordova Island will remain to the north of the river.

ARTICLE 3

The center line of the new river channel shall be the international boundary. The lands that, as a result of the relocation of the river channel, shall be to the north of the center line of the new channel shall be the territory of the United States of America and the lands that shall be to the south of the center line of the new channel shall be the territory of the United Mexican States.

ARTICLE 4

No payments will be made, as between the two Governments, for the value of the lands that pass from one country to the other as a result of the relocation of the international boundary. The lands that, upon relocation of the international boundary, pass from one country to the other shall pass to the respective Governments in absolute ownership, free of any private titles or encumbrances of any kind.

ARTICLE 5

The Government of Mexico shall convey to the Banco Nacional Hipotecario Urbano y de Obras Púlicas, S.A., titles to the properties comprised of the structures which pass intact to Mexico and the lands on which they stand. The Bank shall pay the Government of Mexico for the value of the lands on which such structures are situated and the Government of the United States for the estimated value to Mexico of the said structures.

ARTICLE 6

After this Convention has entered into force and the necessary legislation has been enacted for carrying it out, the two Governments shall, on the basis of a recommendation by the International Boundary and Water Commission, determine the period of time appropriate for the Government of the United States to complete the following:

(a) The acquisition, in conformity with its laws, of the lands to be transferred to Mexico and for the rights of way for that portion of the new river channel in the territory of the United States;

(b) The orderly evacuation of the occupants of the lands referred to in paragraph (a).

ARTICLE 7

As soon as the operations provided in the preceding article have been completed, and the payment made by the Banco Nacional Hipotecario Urbano y de Obras Públicas, S.A., to the Government

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of the United States as provided in Article 5, the Government of the United States shall so inform the Government of Mexico. The International Boundary and Water Commission shall then proceed to demarcate the new international boundary, recording the demarcation in a Minute. The relocation of the international boundary and the transfer of lands provided for in this Convention shall take place upon express approval of that Minute by both Governments in accordance with the procedure established in the second paragraph of Article 25 of the Treaty of February 3, 1944.

ARTICLE 8

The costs of constructing the new river channel shall be borne in equal parts by the two Governments. However, each Government shall bear the costs of compensation for the value of the structures or improvements which must be destroyed, within the territory under its jurisdiction prior to the relocation of the international boundary, in the process of constructing the new channel.

ARTICLE 9

The International Boundary and Water Commission is charged with the relocation of the river channel, the construction of the bridges herein provided for, and the maintenance, preservation and improvement of the new channel. The Commission's jurisdiction and responsibilities, set forth in Article XI of the 1933 Convention for the maintenance and preservation of the Rio Grande Rectification Project, are extended upstream from that part of the river included in the Project to the point where the Rio Grande meets the land boundary between the two countries.

ARTICLE 10

The six existing bridges shall, as a part of the relocation of the river channel, be replaced by new bridges. The cost of constructing the new bridges shall be borne in equal parts by the two Governments. The bridges which replace those on Stanton-Lerdo and Santa Fe-Juarez streets shall be located on the same streets. The location of the bridge or bridges which replace the two Cordova Island bridges shall be determined by the International Boundary and Water Commission. The agreements now in force which relate to the four existing bridges between El Paso and Ciudad Juarez shall apply to the new international bridges which replace them. The international bridge or bridges which replace the two Cordova Island bridges shall be toll free unless both Governments agree to the contrary.

ARTICLE 11

The relocation of the international boundary and the transfer of portions of territory resulting therefrom shall not affect in any way:

(a) The legal status, with respect to citizenship laws, of those persons who are present or former residents of the portions of territory transferred;

(b) The jurisdiction over legal proceedings of either a civil or criminal character which are pending at the time of, or which were decided prior to, such relocation;

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(c) The jurisdiction over acts or omissions occurring within or with respect to the said portions of territory prior to their transfer;

(d) The law or laws applicable to the acts or omissions referred to in paragraph (c).

ARTICLE 12

The present Convention shall be ratified and the instruments of ratification shall be exchanged at Mexico City as soon as possible.

The present Convention shall enter into force upon the exchange of instruments of ratification.

DONE at Mexico City the twenty-ninth day of August, nineteen sixty three, in the English and Spanish languages, each text being equally authentic.

For the Government of the United States of America,
THOMAS C. MANN [SEAL]

For the Government of the United Mexican States,
MANUEL TELLO [SEAL]

ANNEXES

Authentic copies of Minute 214 of the International Boundary and Water Commission, United States and Mexico, and of the map attached thereto

INTERNATIONAL BOUNDARY AND WATER COMMISSION

UNITED STATES AND MEXICO

CIUDAD JUÁREZ, CHIHUAHUA,
August 28, 1963.

MINUTE NO. 214

ENGINEERING CONSIDERATIONS RELATING TO RELOCATION OF THE RIO GRANDE AT EL PASO, TEXAS, AND CIUDAD JUÁREZ, CHIHUAHUA

The Commission met at the offices of the Mexican Section, at Ciudad Juárez, Chihuahua, on August 28, 1963 at 10:00 a.m., to consider the engineering criteria and plans required to put into effect the joint recommendations for relocation of the channel of the Rio Grande at El Paso-Ciudad Juárez, referred to in the Memoranda of July 17, 1963 entitled "Recommendations to the Presidents of the United States and of Mexico by the Department of State and the Ministry of Foreign Relations for a Complete Solution of the Chamizal Problem."

The Commissioners reviewed the engineering aspects of the new channel of the river recommended in the Memoranda under reference, and the studies and computations which, under instructions from their respective Governments, they made of those aspects during the preparation of the Memoranda. They reviewed the "Preliminary Plan, Relocation of Rio Grande, El Paso, Texas-Ciudad Juárez, Chihuahua", which is attached to this Minute as an Exhibit and forms part hereof, as well as the engineering studies and criteria on which it is based and the preliminary cost estimates of the new channel and of the bridges which are to replace those presently in service.

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They noted that the centerline of the proposed new channel would diverge from the centerline of the present channel at point "A" shown on the Exhibit. Beginning at that point, the centerline is described as follows, with distances approximate: It would be aligned easterly along a curve of 2,300-foot radius and 0.44 mile in length, and a tangent of 0.62 mile, approximately parallel to the present channel and from 600 to 900 feet to the north of it; thence northeasterly along a curve of 1,640-foot radius and 0.32 mile in length, and a tangent of 0.22 mile; thence easterly along a curve 2,080 feet in radius and 0.35 mile in length and a tangent of 0.62 mile, crossing the west boundary of Cordova Island at a point 200 feet to the south of Monument No. 3 and approximately 1,000 feet to the south of the north boundary of said Island and 3,500 feet to the north of the present channel of the river; the line would continue to the southeast along a curve 1,910 feet in radius and 0.38 mile in length, which would cross the east boundary of Cordova Island 330 feet to the east of Monument No. 13 and thence also southeasterly along a tangent 0.82 mile; thence easterly along a curve of 5,730 feet in radius and 0.53 mile in length to connect with the present channel. The total length of the new channel would be approximately 4.3 miles.

The Commissioners found that the hydrologic studies, together with the consideration that the business districts of the two cities require a high degree of flood protection, support the criterion that the new river channel should be designed to carry a flood of 18,000 cubic feet per second with 3.3 feet of freeboard, as shown on the preliminary plan. They found that the proposed alignment of the new concrete-lined channel would be free of abrupt turns which might cause a significant rise in flood stages; that notwithstanding the fact that the new channel would have a greater length and curvature than the present channel, water elevations for the design flood would be lower in the new channel because of reduction in friction losses due to its concrete lining; that the lined channel requires considerably less width of right-of-way through the high-cost urban areas, with substantial savings in costs of land and improvements for right-of-way and in construction of new bridges; and that the preliminary plan also provides for inlet works to allow entrance of storm drainage, and for check structures in the new channel to be able to provide a water depth of six feet or more.

The two Commissioners noted that the relocation of the Rio Grande at El Paso-Ciudad Juárez requires approval of a Convention by the two Governments.

The Commission then adopted the following resolution, subject to the approval of the two Governments:

A. The Commission finds engineeringly sound the new location of the river at El Paso-Ciudad Juárez as recommended, and as shown on the Exhibit, and approves the preliminary plan and cost estimates shown thereon, subject to such modifications as the Commission may agree upon in final design and construction.

B. The Commission specifically approves the following findings of the preliminary plan:

(1) The precise areas which would be affected by relocation of the river, which in the aforementioned Memoranda and the maps attached thereto are given approximately to the nearest acre and hectare, are as follows: South of the centerline of the relocated channel and north of the present channel of the Rio

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Grande there would be a tract of 823.50 acres comprised of 366.00 acres in the Chamizal Tract, 193.16 acres in the southerly part of Cordova Island, and 264.34 acres to the east of the Island. North of the centerline of the relocated channel would be a tract of 193.16 acres which presently is the northerly part of Cordova Island.

(2) The new channel of the Rio Grande as shown on the Exhibit would be concrete-lined, with cross-section as narrow as compatible with the capacity required to carry the design flood.

(3) The new channel would provide a high degree of flood protection and a stable channel which could be properly operated and maintained by the two Governments through their respective Sections of the Commission. The new lined channel would provide a stable international boundary, would permit more effective sanitary control of the river, and would contribute to improvement and beautification of the border between the two countries at El Paso-Ciudad Juárez.

C. The Commission recommends the following joint measures by the two Governments to implement the plan:

(1) That when the Convention relating to the relocation of the river comes into force, the International Boundary and Water Commission:

(a) Make the necessary topographic surveys for demarcation of the new boundary.

(b) Prepare detail plans and perform all other engineering work preliminary to and preparatory for relocation of the river as may be required by the Convention.

(c) Undertake, at the earliest practicable date, the construction of the new bridges required to replace the six existing bridges and such portions of the new river channel as might be feasible and desirable as determined by the Commission. The bridge or bridges required to replace the two existing Cordova Island bridges shall be located as determined by the Commission, and each Section of the Commission shall assume responsibility for operation and maintenance of the portion of such bridge or bridges in its country, with the understanding that each Section may make arrangements if deemed necessary or desirable with local authorities of its country for operation and maintenance of its part of such bridge or bridges or for repayment of costs of said operation and maintenance.

(2) That when such prerequisite measures as are set forth in the Convention have been effected:

(a) Each Government, in the territory under its jurisdiction, remove all structures from the right-of-way for the new channel as delineated by the Commission.

(b) The Commission demarcate the new boundary line.

(c) The Commission, after the two Governments have approved the new boundary line, proceed to complete the relocation of the river channel and all related engineering operations.

D. The Commission recommends that the equal division between the two countries of total costs of constructing the new channel and

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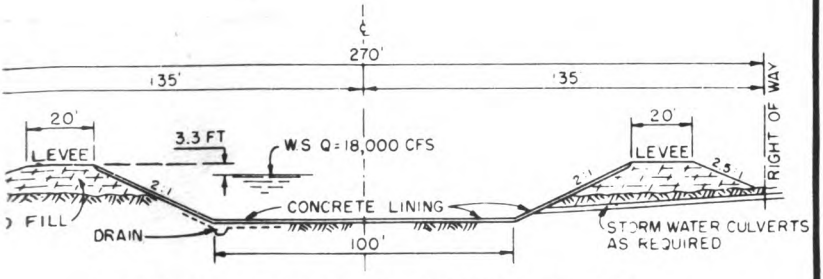
Grande there would ... 823.50 ...

...and care of water	Lump Sum		
...xcavation	C.Y.	1,200,000	420,000
...levee embankment, placing	C.Y.	520,000	130,000
...of excess embankment	C.Y.	680,000	30,000
...d concrete lining	C.Y.	120,000	2,400,000
...system under lining	L.F.	23,000	345,000
...rfacing levees	C.Y.	20,000	100,000
...inage inlets	Lump Sum		50,000
...ransition, downstream	C.Y.	19,000	95,000
...ges, Santa Fe-Juarez and ...a-Lerdo Streets	Ea.	2	250,000
...va bridges	Ea.	2	200,000
...oad bridges	Ea.	2	400,000
...uctures	Ea.	4	600,000
...otal			$5,120,000
...neering and contingencies 25%			1,280,000
...mated Total Cost			$6,400,000



TYPICAL CROSS SECTION OF PROPOSED CHANNEL

INTERNATIONAL BOUNDARY & WATER COMMISSION
UNITED STATES & MEXICO

RELOCATION OF RIO GRANDE
EL PASO, TEXAS - CIUDAD JUAREZ, CHIHUAHUA

PRELIMINARY PLAN

JULY 25, 1963

L. K. Henderson
PRINCIPAL ENGINEER
U.S. SECTION

J. M. Ca...
ACTING PRINCIPAL ENGINEER
MEXICAN SECTION

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bridges, as recommended in the Memoranda of July 17, 1963, be effected by each Government performing, through its Section of the Commission, a portion of the construction work corresponding to one-half of the total cost.

E. The Commission recommends that in carrying out the construction of works allotted to it, each Section of the Commission may make use of any competent public or private agencies in accordance with the laws of its country.

F. It is recommended that each Section of the Commission observe, in the works which it may have to execute in the other country, the laws of that country, with the exemptions and facilities hereinafter stated:

(1) All materials, implements, equipment and repair parts intended for the construction, operation and maintenance of such works shall be exempt from taxes relating to imports and exports. For this purpose, each Section of the Commission shall furnish verification certificates covering all materials, implements, equipment and repair parts, intended for such works.

(2) The personnel employed either directly or indirectly on the construction, operation or maintenance of such works shall be permitted to pass freely from one country to the other for the purpose of going to and from the place of location of the works, without any immigration restrictions, passports, or labor requirements. For this purpose, each Section of the Commission shall furnish adequate means of identification to the personnel employed by it on the aforesaid works.

G. The Commission recommends that construction of the works built in pursuance of the provisions of the Convention not confer upon either of the two countries any rights either of property or of jurisdiction over any part whatsoever of the territory of the other, and that the jurisdiction of each country be limited by the international boundary, which would be marked on the works.

H. The Commission recommends that to effectuate the provisions of the Convention each Government through its respective Section of the Commission obtain and retain direct ownership, control and jurisdiction over the part of the new channel of the river and the right-of-way in its own territory as shown on the Exhibit, the structures and improvements located therein except for the new bridges to replace the four that presently exist between El Paso and Ciudad Juárez, as well as over such other rights-of-way as each Government may require in its territory.

The meeting then adjourned.

J. F. FRIEDKIN
Commissioner of the United States
D. HERRERA J
Commissioner of Mexico
J. D. WALSTROM
Secretary of the United States Section
FERNANDO RIVAS S
Secretary of the Mexican Section

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